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Separate paging is given to this Part in order that it may be filed as a separate compilation

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 1st December, 1964:—

Issue No.	No. and Date	Issued by	Subject
301	S.O. 4102, dated 27th November, 1964.	Delimitation Commission.	Proposals in respect of distribution of seats allotted to the state of Mysore in the House of the People etc.
302	S.O. 4103, dated 27th November, 1964.	Ministry of Industry and Supply.	Direction that powers exercisable by the Indian Standards Institution, shall also be exercisable by the Indian Jute Mills Association, Quality Control and Inspection Committee (IJMAQIC) in respect of Jute products in certain States.
303	S.O. 4104, dated 28th November, 1964.	Ministry of Commerce.	Corrigendum to S.O. 4096, dated 24th November, 1964.
304	S.O. 4172, dated 1st December 1964.	Do.	Further amendments to the Exports (Control) Order, 1962.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section. (ii).

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF HOME AFFAIRS

New Delhi, the 30th November, 1964

S.O. 4177.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely:—

THE CENTRAL CIVIL SERVICES (CONDUCT) RULES, 1964

1. Short title, commencement and application.—(1) These rules may be called the Central Civil Services (Conduct) Rules, 1964.

(2) They shall come into force at once.

(3) Save as otherwise provided in these rules and subject to the provisions of the Indian Foreign Service (Conduct and Discipline) Rules, 1961, these rules shall apply to every person appointed to a civil service or post (including a civilian in Defence Service) in connection with the affairs of the Union:

Provided that nothing in these rules shall apply to any Government servant who is—

- (a) (i) a railway servant as defined in section 3 of the Indian Railways Act, 1890 (9 of 1890);
- (ii) a person holding a post in the Railway Board and is subject to the Railway Services (Conduct) Rules;
- (iii) holding any post under the administrative control of the Railway Board or of the Financial Commissioner of Railways;
- (b) a member of an All India Service;
- (c) a holder of any post in respect of which the President has, by a general or special order, directed that these rules shall not apply:

Provided further that rules 4, 6, 7, 12, 14, sub-rule (3) of rule 15, rule 16, sub-rules (1), (2) and (3) of rule 18, rules 19, 20 and 21 shall not apply to any Government servant who draws a pay which does not exceed Rs. 500.00 per mensem and holds a non-gazetted post in any of the following establishments, owned or managed by the Government, namely:—

- (i) ports, docks, wharves or jetties;
- (ii) defence installations except training establishments;
- (iii) public works establishments, in so far as they relate to work-charged staff;
- (iv) irrigation and electric power establishments;
- (v) mines as defined in clause (j) of section 2 of the Mines Act, 1952 (35 of 1952);
- (vi) factories as defined in clause (m) of section 2 of the Factories Act, 1948 (63 of 1948); and
- (vii) field units of the Central Tractor Organisation employing workmen governed by labour laws.

Provided further that these rules shall apply to any person temporarily transferred to a service or post specified in clause (a) of the first proviso to whom but for such transfer these rules would have otherwise applied.

Explanation.—For the purposes of the second proviso, the expression 'establishment' shall not included any railway establishment or any office mainly concerned with administrative, managerial, supervisory, security or welfare functions.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) "the Government" means the Central Government;

- (b) "Government servant" means any person appointed by Government to any civil service or post in connection with the affairs of the Union and includes a civilian in a Defence Service;

Explanation.—A Government servant whose services are placed at the disposal of a company, corporation, organisation or a local authority by the Government shall, for the purposes of these rules, be deemed to be a Government servant serving under the Government notwithstanding that his salary is drawn from sources other than the Consolidated Fund of India;

- (c) "members of family" in relation to a Government servant includes:—

- (i) the wife or husband as the case may be, of the Government servant, whether residing with the Government servant or not but does not include a wife or husband, as the case may be, separated from the Government servant by a decree or order of a competent court;
- (ii) son or daughter or step-son or step-daughter of the Government servant and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the Government servant or of whose custody the Government servant has been deprived by or under any law;
- (iii) any other person related, whether by blood or marriage, to the Government servant or to the Government servant's wife or husband, and wholly dependent on the Government servant.

3. General.—(1) Every Government servant shall at all times—

- (i) maintain absolute integrity;
- (ii) maintain devotion to duty; and
- (iii) do nothing which is unbecoming of a Government servant.

(2) (i) Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority;

(ii) No Government servant shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible.

Explanation.—Nothing in clause (ii) of sub-rule (2) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

4. Employment of near relatives of Government servants in private undertakings enjoying Government patronage.—(1) No Government servant shall use his position or influence directly or indirectly to secure employment for any member of his family in any private undertaking.

(2) (i) No Class I Officer shall, except with the previous sanction of the Government, permit his son, daughter or other dependant to accept employment in any private undertaking with which he has official dealings or in any other undertaking having official dealings with the Government:

Provided that where the acceptance of the employment cannot await prior permission of the Government or is otherwise considered urgent, the matter shall be reported to the Government; and the employment may be accepted provisionally subject to the permission of the Government.

(ii) A Government servant shall, as soon as he becomes aware of the acceptance by a member of his family of an employment in any private undertaking, intimate such acceptance to the prescribed authority and shall also intimate whether he has or has had any official dealings with that undertaking:

Provided that no such intimation shall be necessary in the case of a Class I officer if he has already obtained the sanction of, or sent a report to the Government under clause (i).

(3) No Government servant shall in the discharge of his official duties deal with any matter or give or sanction any contract to any undertaking or any other person if any member of his family is employed in that undertaking or under that person or if he or any member of his family is interested in such matter or contract in any other manner and the Government servant shall refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

5. Taking part in politics and elections.—(1) No Government servant shall be a member of, or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every Government servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established and where a Government servant is unable to prevent a member of his family from taking part in, or subscribing in aid of or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Government.

(3) If any question arises whether a party is a political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of sub-rule (2), the decision of the Government thereon shall be final.

(4) No Government servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in, an election to any legislature or local authority:

Provided that—

- (i) a Government servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;
- (ii) a Government servant shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation.—The display by a Government servant on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

6. Joining of Associations by Government servants.—No Government servant shall join, or continue to be a member of, an association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality.

7. Demonstrations and Strikes.—No Government servant shall—

- (i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or
- (ii) resort to or in any way abet any form of strike in connection with any matter pertaining to his service or the service of any other Government servant.

8. Connection with Press or Radio.—(1) No Government servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication.

(2) No Government servant shall, except with the previous sanction of the Government or the prescribed authority, or in the *bona fide* discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymously or in the name of any other person to any newspaper or periodical:

Provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character.

9. Criticism of Government.—No Government servant shall, in any radio broadcast or in any document published in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion—

- (i) which has the effect of an adverse criticism of any current or recent policy or action of the Central Government or a State Government:

Provided that in the case of any Government servant included in any category of Government servants specified in the second proviso to sub-rule (3) of rule 1, nothing contained in this clause shall apply to *bona-fide* expression of views by him as an office-bearer of a trade union of such Government servants for the purpose of safeguarding the conditions of service of such Government servants or for securing an improvement thereof; or

- (ii) which is capable of embarrassing the relations between the Central Government and the Government of any State; or
- (iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign State:

Provided that nothing in this rule shall apply to any statements made or views expressed by a Government servant in his official capacity or in the due performance of the duties assigned to him.

10. Evidence before committee or any other authority.—(1) Save as provided in sub-rule (3), no Government servant shall, except with the previous sanction of the Government, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-rule (1), no Government servant giving such evidence shall criticise the policy or any action of the Central Government or of a State Government.

(3) Nothing in this rule shall apply to—

- (a) evidence given at an enquiry before an authority appointed by the Government, Parliament or a State Legislature; or
- (b) evidence giving in any judicial enquiry; or
- (c) evidence given at any departmental enquiry ordered by authorities subordinate to the Government.

11. Unauthorised communication of information.—No Government servant shall, except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or information to any Government servant or any other person to whom he is not authorised to communicate such document or information.

12. Subscriptions.—No Government servant shall, except with the previous sanction of the Government or of the prescribed authority, ask for or accept contributions to, or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any object whatsoever.

13. Gifts.—(1) Save as otherwise provided in these rules, no Government servant shall accept, or permit any member of his family or any person acting on his behalf to accept, any gift.

Explanation.—The expression “gift” shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the Government servant.

NOTE (I).—A casual meal, lift or other social hospitality shall not be deemed to be a gift.

NOTE (II).—A Government servant shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organisations, etc.

(2) On occasions, such as weddings, anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious

or social practice, a Government servant may accept gifts from his near relatives but he shall make a report to the Government if the value of any such gift exceeds—

- (i) Rs. 500.00, in the case of a Government servant holding any Class I or Class II post;
- (ii) Rs. 250.00, in the case of a Government servant holding any Class III post; and
- (iii) Rs. 100.00, in the case of a Government servant holding any Class IV post.

(3) On such occasions as are specified in sub-rule (2), a Government servant may accept gifts from his personal friends having no official dealing with him, but he shall make a report to the Government if the value of any such gift exceeds—

- (i) Rs. 200.00, in case of a Government servant holding any Class I or Class II posts;
- (ii) Rs. 100.00, in the case of a Government servant holding any Class III post; and
- (iii) Rs. 50.00, in the case of a Government servant holding any Class IV post.

(4) In any other case, a Government servant shall not accept any gift without the sanction of the Government if the value thereof exceeds—

- (i) Rs. 75.00, in the case of a Government servant holding any Class I or Class II post; and
- (ii) Rs. 25.00, in the case of a Government servant holding any Class III or Class IV post.

14. Public demonstrations in honour of Government servants.—No Government servant shall, except with the previous sanction of the Government, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other Government servant:

Provided that nothing in this rule shall apply to—

- (i) a farewell entertainment of a substantially private and informal character held in honour of a Government servant or any other Government servant on the occasion of his retirement or transfer or any person who has recently quit the service of any Government; or
- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

NOTE.—Exercise of pressure or influence of any sort on any Government servant to induce him to subscribe towards any farewell entertainment even if it is of a substantially private or informal character, and the collection of subscriptions from Class III or Class IV employees under any circumstances for the entertainment of any Government servant not belonging to Class III or Class IV, is forbidden.

15. Private Trade or employment.—(1) No Government servant shall, except with the previous sanction of the Government, engage directly or indirectly in any trade or business or undertake any other employment;

Provided that a Government servant may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer; but he shall not undertake, or shall discontinue, such work if so directed by the Government.

Explanation.—Canvassing by a Govt. servant in support of the business of insurance agency, commission agency, etc. owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-rule.

(2) Every Government servant shall report to the Government if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

(3) No Government servant shall, without the previous sanction of the Government, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force or any co-operative society for commercial purposes:

Provided that a Government servant may take part in the registration, promotion or management of a co-operative society substantially for the benefit of Government servants, registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law in force.

(4) No Government servant may accept any fee for any work done by him for any public body or any private person without the sanction of the prescribed authority.

16. Investment, lending and borrowing.—(1) No Government servant shall speculate in any stock, share or other investment.

Explanation.—Frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

(2) No Government servant shall make, or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his official duties.

(3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule (2), the decision of the Government thereon shall be final.

(4) (i) No Government servant shall, save in the ordinary course of business with a bank or a firm of standing duly authorised to conduct banking business, either himself or through any member of his family or any other person acting on his behalf,—

(a) lend or borrow money, as principal or agent, to or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person, or

(b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid:

Provided that a Government servant may, give to, or accept from, a relative or a personal friend, a purely temporary loan of a small amount free of interest, or operate a credit account with a *bona fide* tradesman or make an advance of pay to his private employee.

(ii) When a Government servant is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule (2) or sub-rule (4), he shall forthwith report the circumstances to the prescribed authority and shall thereafter act in accordance with such order as may be made by such authority.

17. Insolvency and habitual indebtedness.—A Government servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Government servant against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent shall forthwith report the full facts of the legal proceeding to the Government.

NOTE.—The burden of proving that the insolvency or indebtedness was the result of circumstances which, with the exercise of ordinary diligence, the Government servant could not have foreseen, or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon the Government servant.

18. Movable, Immovable and valuable property.—(1) Every Government servant shall on his first appointment to any service or post and thereafter at such intervals as may be specified by the Government, submit a return of his assets and liabilities, in such form as may be prescribed by the Government, giving the full particulars regarding:

(a) the immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage either in his own name or in

the name of any member of his family or in the name of any other person;

- (b) shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;
- (c) other movable property inherited by him or similarly owned, acquired or held by him; and
- (d) debts and other liabilities incurred by him directly or indirectly.

NOTE I.—Sub-rule (1) shall not ordinarily apply to Class IV servant but the Government may direct that it shall apply to any such Government servant or class of such Government servants.

NOTE II.—In all returns, the values of items of movable property worth less than Rs. 1,000·00 may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery, books, etc., need not be included in such return.

NOTE III.—Every Government servant who is in service on the date of the commencement of these rules shall submit a return under this sub-rule on or before such date as may be specified by the Government after such commencement.

(2) No Government servant shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family:

Provided that the previous sanction of the prescribed authority shall be obtained by the Government servant if any such transaction is—

- (i) with a person having official dealing with the Government servant; or
- (ii) otherwise than through a regular or reputed dealer.

(3) Every Government servant shall report to the prescribed authority every transaction concerning movable property owned or held by him either in his own name or in the name of a member of his family, if the value of such property exceeds Rs. 1,000·00 in the case of a Government servant holding any Clause I or Class II post or Rs. 500·00 in the case of a Government servant holding any Class III or Class IV post:

Provided that the previous sanction of the prescribed authority shall be obtained if any such transaction is—

- (i) with a person having official dealings with the Government servant; or
- (ii) otherwise than through a regular or reputed dealer.

(4) The Government or the prescribed authority may, at any time, by general or special order, require a Government servant to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the Government or by the prescribed authority, include the details of the means by which, or the source from which, such property was acquired.

(5) The Government may exempt any category of Government servants belonging to Class III or class IV from any of the provisions of this rule except sub-rule (4). No such exemption shall, however, be made without the concurrence of the Ministry of Home Affairs.

Explanation.—For the purposes of this rule (1) the expression 'movable property' includes—

- (a) jewellery, insurance policies the annual premia of which exceeds Rs. 1000·00 or one sixth of the total annual emoluments received from Government whichever is less, shares, securities and debentures;
- (b) loans advanced by such Government servants whether secured or not;
- (c) motor cars, motor cycles, houses, or any other means of conveyance; and
- (d) refrigerators, radios and radiograms.

(2) "Prescribed authority" means,—

- (a) (i) the Government, in the case of a Government servant holding any Class I post, except where any lower authority is specifically specified by the Government for any purpose;
- (ii) Head of Department, in the case of a Government servant holding any Class II post;
- (iii) Head of office, in the case of a Government servant holding any Class III or Class IV post;
- (b) in respect of a Government servant on foreign service or on deputation to any other Ministry or any other Government, the parent department on the cadre of which such Government servant is borne or the Ministry to which he is administratively subordinate as member of that cadre.

19. (1) **Vindication of acts and character of Government servants.**—No Government servant shall, except with the previous sanction of the Government, have recourse to any court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of a defamatory character.

(2) Nothing in this rule shall be deemed to prohibit a Government servant from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the Government servant shall submit a report to the prescribed authority regarding such action.

20. **Canvassing of non-official or other influence.**—No Government servant shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government.

21. **Bigamous marriages.**—(1) No Government servant who has a wife living shall contract another marriage without first obtaining the permission of the Government, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female Government servant shall marry any person who has a wife living without first obtaining the permission of the Government.

22. **Consumption of Intoxicating Drinks and Drugs.**—A Government servant shall—

- (a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (b) take due care that the performance of his duties is not affected in any way by the influence of any intoxicating drink or drug;
- (c) not appear in a public place in a state of intoxication;
- (d) not habitually use any intoxicating drink or drug to excess.

23. **Interpretation.**—If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

24. **Delegation of Powers.**—The Government may, by general or special order, direct that any power exercisable by it or any head of department under these rules (except the powers under rule 23 and this rule) shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

25. **Repeal and Saving.**—Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to the Government servants to whom these rules apply are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

[No. 25/4/63/-Ests.(A).]

R. M. SHROFF, Dy. Secy.

New Delhi, the 2nd December 1964

S.O. 4178.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Lieutenant Governors of Pondicherry and Goa, Daman and Diu and the Administrator of Dadra and Nagar Haveli, shall, subject to the control of the President and until further orders, exercise the powers, and discharge the functions, of the State Government conferred by or under the Income-tax Act, 1961 (43 of 1961), within their respective Union Territories.

[No. 16/4/64-UTL.]

K. R. PRABHU, Dy. Secy.

New Delhi, the 2nd December 1964

S.O. 4179.—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President hereby directs that any of the Officers specified below may sign and execute on his behalf any agreement (upto the financial limits specified from time to time) for the purchase of dry and fresh ration for the Indo-Tibetan Border Police, namely:—

- (i) Special Inspector General, Indo-Tibetan Border Police.
- (ii) Deputy Inspector General, Indo-Tibetan Border Police.
- (iii) A Commandant, Indo-Tibetan Border Police.
- (iv) A Company Commander, Indo-Tibetan Border Police.

[No. 19/39/64-Judl.II.]

B. SHUKLA, Dy. Secy.

New Delhi, the 4th December, 1964

S.O. 4180.—In exercise of the powers conferred by entry 3(c) of Schedule I annexed to the Ministry of Home Affairs Notification No. 15/13/59-(V)-P. IV, dated the 13th July, 1962 (GSR, 991, published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 28th July, 1962), the Central Government is pleased to specify Her Highness Munawarunnissa Begum Sahiba, wife of His Highness the Nawab of Malerkotla for the purpose of that entry and directs that the exemption shall be valid in respect of one 12 bore gun, one rifle and one revolver only.

(No. 16/19/64-P. IV.)

G. L. BAILUR, Under Secy.

Department of Economic Affairs.

New Delhi, the 3rd December 1964

S.O. 4181.—Statement of the Affairs of the Reserve Bank of India, as on the 27th November, 1964.

BANKING DEPARTMENT

*Includes Cash and Short-term Securities.

**Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Govts.

†Includes Rs. Nil advanced to scheduled banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 3rd day of December, 1964.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 27th day of November, 1964.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	32,30,43,000		Gold Coin and Bullion :—		
Notes in circulation	2,422,46,10,000		(a) Held in India	117,76,10,000	
Total Notes issued		2454,76,53,000	(b) Held outside India	..	
			Foreign Securities	85,45,69,000	
			TOTAL		203,21,79,000
			Rupee Coin		105,41,46,000
			Government of India Rupee Securities		21,46,13,28,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		2454,76,53,000	TOTAL ASSETS		2454,76,53,000

Dated the 3rd day of December, 1964.

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(2)-BC/64.]
R.K. SESHADRI,
Director (Banking and Insurance).

(Department of Revenue and Company Law)

STAMPS

New Delhi, the 5th December 1964

S.O. 4182.—In exercise of the powers conferred by clause (a) of sub-section (I) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which promissory notes executed by borrowers in India payable to Government of India and endorsed by them in favour of the Kreditanstalt für Wiederaufbau, Frankfurt/Main, Federal Republic of Germany, are chargeable under the said Act.

M. G. VAIDYA, Under Secy.

[No. 11/F. No. 1/64/64-Cus. VII-Stamps.]

THE MYSORE CENTRAL EXCISE COLLECTORATE, BANGALORE

CUSTOMS

Bangalore, the 23rd September, 1964

S.O. 4183.—In exercise of the powers conferred upon me under section 8 of the Customs Act 1962, I, V. PARTHASARATHY, Collector of Central Excise, Bangalore hereby approve the places for unloading and loading of goods as detailed in the annexure, in respect of Coondapur, Malpe, Hangarkatta and Brindar Ports of the Mysore Central Excise Collectorate.

ANNEX

List of wharves approved for the unloading and loading of goods, their limits and class of Central Excise

Sl. No.	Name of the port	No. of Wharf	Name of the owner.	Particulars of the landing place of wharf.	Measurements in length & breadth
1	2	3	4	5	6
1	Baindur	..	Government	Beach lying to the North West ward of the port Office in S. No. 262/2.	400' x 100'
2	Coondapur	(a)	Do.	Land in built up Govt. wharf in S. No. 158 (unsurveyed).	285' x 67' + 62 2
		(b)	Do.	Port land in S. No. 157 south of the groyne.	200' x 75'
		(c)	Do.	Newly built up wharf and stacking platform at Coondapur (Southern bank) in S. No. 290/1A.	180' x 135'
		(d)	Do.	All portlands in S. Nos. 91/4, 91/5, 91/8, 91/6, 94/1, 94/11, 91/7, 94/2B(part), 92/19B, 92/21A, 92/21B, 92/22, 92/3, 92/4, 92/23A, 92/23B, 92/5, 92/6A, 92/6B, 92/30, 92/7, 92/8, and 92/24.	
3	Hangarkatta		Do.	Portland between the port Road and the river 1002' in length in S. Nos. 72/11A, 72/8, 72/6A and 73/18.	1002' x 25 + 58 2

MURR

goods dealt with at the Coondapur, Malpe, Hangarkatta and Baindur ports of the Mysore Collectorate.

Boundaries				Particulars of classes of goods dealt with	Manner of dealing with them
North	East	South	West		
7	8	9	10	11	12
Southern boundary of S. No. 144.	Western Boundary of S. Nos. 134 & 133 from Southern boundary of S. No. 144 running South 400'.	A line drawn due west from the southern point of Eastern boundary to the high water mark.	High water mark.	All goods.	Larding and Shipping.
Built up drain running east to West.	River	Groyne & Port Office Building.	Eastern boundary of Customs land in S. No. 156.	all goods other than combustibles and passengers.	Do..
Groyne	High water-mark.	A line parallel to South-wall of the new port office building from a point 200' south of the wall along the panchayat Road extended.	Panchayat Road Extended southward.	All goods	Do..
River	P.W.D. Jetty.	Pornaboke Road in S. No. 295/1	River	All goods.	Do..
Southern boundaries of S. Nos. 91/2 and 91/3.	River	Northern boundaries of S. No. 92/31, 92/25A, & 25-B, 92/26, 92/27, 92/18 and 92/19A.	Eastern boundaries of S. Nos. 91/10B/2, 91/9A2, 94/2 a line connecting the two points at south-east of S. No. 94/2A, and North east of S. No. 94/2C, 92/19A, 92/20, 92, 19C, 92/28, 92/29 and 92/10.	All goods	Do..
Northern extremity of the built up revetment 25' from the North west corner.	The port road and its western boundary produced northward and southward.	Southern extremity of the built-up revetment 58' from the South-west corner.	River	Do..	Do..

1	2	3	4	5	6
4	Malpe	(a)	Government	Foreshore in S. No. 266 called wharf I lying to the northwest of passenger Jetty.	2,06,250 sq. ft. $\frac{600' + 500' + 450' + 300'}{2 \times 2}$
		(b)	Do.	Foreshore in S. No. 266 called wharf II situated between the passenger jetty and the existing boat channel.	..
		(c)	Do.	Govt. wharf in S. No. 265/3 called wharf III on the eastern side of boat channel.	..
		(d)	Do.	Wharf in S. No. 265/3 called wharf IV of the northern side of the boat channel.	..

7	8	9	10	11	12
A line 450' long drawn due west from the bend of the port road 300' north from the gate of the passenger Jetty.	Port road leading to the passenger jetty.	A line of 600' measured along the high water mark from the passenger jetty.	Line joining the western extremity of the north and south limits.	All goods other than combustibles.	Landing & shipping.
The southern wall of the passenger shed produced westwards to the port road and eastwards to the boat channel.	The existing boat channel.	High waterline between the passenger jetty & the boat channel.	Port road leading to the passenger jetty.	Petroleum Kerosene oil otherwise than in bulk and combustibles.	Do.
The southern boundary of wharf No. IV.	Private land in S. Nos. 254 & 255.	A line drawn parallel to the north boundary line at a distance of 525' southwards.	Boat channel.	Coal fire-wood tiles and ridges and dutiable goods.	Do.
Northern side of the raised platform from the port road to the east up to the boundary of private land in S. No. 255.	Boundary of private land in S. No. 255.	Wharf wall produced eastwards to private land in S. No. 255.	Port Road.	Salt and other free and dutiable goods.	Do.

[C. No. VIII/43/1/63-Cus.]

W. PARTHASARATHY, Collector.

MINISTRY OF COMMERCE*New Delhi, the 5th December, 1964*

S.O. 4184.—The Central Government having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by The Punjab Company Limited, Bhatinda, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Company for a further period of three years from the 16th December 1964 upto the 15th December, 1967 both days inclusive, in respect of forward contracts in cotton-seed.

2. The recognition hereby granted is subject to the condition that the said Company shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(10)-Com.(Genl.)(FMC)/64.]

M. L. GUPTA, Under Secy.

(Office of the Jt. Chief Controller of Import & Exports)**(Central Licensing Area)****ORDER***New Delhi, the 28th October 1964*

S.O. 4185.—Whereas M/s N. B. Industries, Faridabad or any bank or any other person have not come forward furnishing sufficient cause, against Notice No. JCC.I/I(CLA)/282/63/2287-2288 dated 26th September 1964 proposing to cancel licence No. A 572372/62 dated 11th February 1963 for import of Polyethelene Moulding Powder of high density for Rs. 4375/- granted to said M/s N. B. Industries Faridabad, by the Joint Chief Controller of Imports & Exports (Central Licensing Area) Janpath Barracks 'B' New Delhi Govt. of India in the Ministry of Commerce, in exercise of the powers conferred by the clause 9 of the Import (Control) Order 1955, hereby cancel the said licence No. A 572372/62 dated 11th February 1963 for Import of Polyethelene Moulding Powder of high density for Rs. 4375/- issued to M/s N. B. Industries, Faridabad.

[No. JCC.I/I(CLA)/282/63/27936-2794.]

S. K. SEN, Jt. Chief Controller.

MINISTRY OF INDUSTRY & SUPPLY**(Deptt. of Industry)****ORDERS***New Delhi, the 4th December 1964*

S.O. 4186/IDRA/6/7.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rule 5(1) of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, till 13th October, 1965, Dr. G. S. Melkote M.P., to be a member of the Development Council established by the Order of the Government of India in the late Ministry of Industry No. S.O. 3022 dated the 14th October, 1963, for the scheduled industries engaged in the manufacture or production of Drugs & Pharmaceuticals and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, after entry No. 28 relating to Dr. H. G. Sattur, the following entry shall be inserted, namely:—

29. Dr. G. S. Melkote, M.P., Indian National Trade Union Congress, 18, Janpath, New Delhi.

[No. 1(10)/Dev. Councils/63.]

S.O. 4187/IDRA/6/16.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 5(1) and 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, till the 8th September, 1965, Shri A. S. Bhatnagar, to be a member of the Development Council established by the Order of the Government of India in the late Ministry of Industry No. S.O. 2625 dated the 9th September, 1963 for the scheduled industries engaged in the manufacture or production of Automobiles, Automobile Ancillary Industries, Transport Vehicle Industries, Tractors and Earth Moving equipment and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, for entry No. 29 relating to Shri K. Srinivasan, the following entry shall be substituted, namely:—

23. Shri A. S. Bhatnagar, Deputy Secretary, Ministry of Transport (Transport Wing) New Delhi.

[No. 1(3)/Dev. Councils/63.]

S. P. KRISHNAMURTHY, Under Secy.

(Indian Standards Institution)

New Delhi, the 1st December 1964

S.O. 4188.—In licence No. CM/L-489, dated 26 December, 1962 held by M/s. Bhangar Bros. & Co. Private Ltd., Bombay, the details of which are published under S.O. 609 in the Gazette of India, Part II, Sub-section 3(ii) dated 22 February 1964, the list of articles has been revised as follows with effect from 17 November 1964:

Three-phase Induction Motors up to 3 HP only.

[No. MD/12: 913.]

D. V. KARMARKAR,
Joint Director (Marks).

MINISTRY OF PETROLEUM AND CHEMICALS

CORRIGENDA

New Delhi, the 28th November, 1964

S.O. 4189.—In the schedule to the notifications of the Government of India in the Ministry of Mines and Fuel S. No. 1693 dated the 14th June, 1963 and S.O. No. 2823 dated the 26th September, 1963 published in the Gazette of India Part II Section 3 sub-section (ii) dated the 22nd June, 1963 and 5th October, 1963 respectively, the following shall be deleted:—

In Village Kalla J.L.16:		In village Satpukuria J.L. 17 :	
Survey Plot No.	Area	Survey Plot No.	Area
716	·03	296	·40
718	·05	303	·33
719	·15	334	·21
1588	·07	335	·04
		338	·09

[No. 31/33/63-ONG-Vol.5.]

S.O. 4190.—In the schedules to the notifications of the Government of India in the Ministry of Mines and Fuel S.O. No. 2500 dated the 22nd August, 1963 and S.O. No. 1410 dated 9th April, 1964, published in the Gazette of India Part II Section

3 Sub-section (ii) dated the 31st August, 1963 and 25th April, 1964 respectively, the following shall be deleted:—

Survey Plot No.	Area	Survey Plot No.	Area
In Village Ondal J.L.52	962	1451	·57
	964	1450	·005
	965	1456	·04
	966	1500	·18
	992	1501	·12
	1013	1502	·02
	1015	1503	·12
	1016	1516	·22
	1017	1523	·01
	1018	1524	·01
	1019	1527	·01
	1020	5916	·01
	1033	5921	·17
	1034	In Village Dhubchururia	192
	1036	J.L. 55	193
	1037		194
	1038		195
	1039		604
	1040		198
	1041		200
	1214		201
	1215		202
	1217		203
	1221		221
	1222		·01
	1223		

[No. 31/33/63-ONG-Vol.6.]

New Delhi, the 30th November, 1964

S.O. 4191.—In the schedule to the notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. 3726 dated the 9th October, 1964, published in the Gazette of India Part II, Section 3, sub-section (ii) dated the 24th October, 1964.

At page 4167

for "Survey Nos. 297 and 298" read "Survey Nos. 207 and 208" respectively in village Hardaurpur.

[No. 31(50)/63-ONG. Vol. 9.]

P. P. GUPTA, Under Secy.

MINISTRY OF STEEL AND MINES

(Department of Mines & Metals)

New Delhi, the 3rd December, 1964

S.O. 4192.—Whereas by notification of the Government of India in the late Ministry of Mines and Fuel S.O. No. 1972 dated the 4th July, 1963, under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in the lands measuring 4192·25 acres (approximately) or 1697·86 hectares (approximately) in the locality specified in the Schedule appended to that notification and reported in Schedule I appended hereto;

And whereas the Central Government do not intend to prospect for coal in the lands measuring 294·88 acres (approximately) or 119·43 hectares (approximately) in the said locality and described in Schedule II appended hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act and of all other powers enabling it in this behalf, the Central Government hereby directs that the said notification shall cease to have effect in respect of the lands specified in the said Schedule II.

SCHEDULE—I
Raniganj Block—7

Org. No. Rev/11/63
Dated 22.1.1963

Sl. No.	Village	P.S.	Village No.	District	Area	Remarks
1	Katagaria	Jamuria	34*	Burdwan	..	Full
2	Bijpur	"	35	"		"
3	Balanpur	"	36	"		"
4	Ikra	"	38	"		"
5	Hijalgara	"	40	"		Part
6	Bijohnagar	"	49	"		"
7	Dhasna	"	50	"		"
8	Mamudpur	"	51	"		"
9	Sarthakpur	"	52	"		"
10	Tapasi	"	53	"		"
11	Kunustara	"	54	"		"
12	Dhasata	"	56	"		"
13	Bahadurpur	"	57	"		"

Total area: 4192.25 acres (approximately)
Or, 1697.86 hectares (approximately).

Boundary Description:

- A-B line passes along the part western boundary of village Hijalgara, common boundary of villages Sekpur and Hijalgara, Sekpur and Ikra, along the western boundary of village Ikra and meets at point 'B'.
- B-C line passes along the western boundary of villages Balanpur, Bijpur and Katagaria and meets at point 'C'.
- C-D line passes along the southern boundary of village Katagaria, along part of the southern boundary of village Kunustara and meets at point 'D' (which is the part common boundary of P. S. Jamuria and Raniganj).
- D-E line passes along the eastern boundary of Road through villages Kunustara and Tapasi and meets at point 'E'.
- E-F line passes through village Tapasi and along part of the common boundary of villages Bijpur and Tapasi of and meets at point 'F'.
- F-G line passes along the part northern boundary of village Tapasi, through villages Sarthakpur and Dhasata, along the part common boundary of villages Jote Janaki and Dhasata and meets at point 'G'.
- G-H line passes through villages Dhasata, Bahadurpur, Bijohnagar and Hijalgara and meets at point 'H'.
- H-A line passes through village Hijalgara and meets at point 'A'.
- I-J-K lines pass along the part common boundary of villages Ikra and Mamudpur, through village Mamudpur and meets at point 'K'.
- K-L line passes through village Dhasata and meets at point 'L'.
- L-I line passes through village Dhasna, along the part common boundary of villages Dhasna and Mamudpur, common boundary of villages Ikra and Mamudpur and meets at point 'I'.

SCHEDULE II

RANIGANJ BLOCK—7

Drg. No. Rev/71/64
Dated 12th November, 1964

Sl. No.	Village	P.S.	Village No.	District	Area	Remarks
I	Katagaria	Jamuria	34	Burdwan		Part
I	Bijpur	"	35	"		"
Total Area :—294.88 acres (approximately) Or 119.43 hectares (approximately)						

Boundary Description:

- C1C1 line passes along the part southern boundary of village Katagaria (which is also the part southern boundary of Raniganj Block-7 notified vide S.O. No. 1972 dated 4-7-63) and meets at point 'C1'.
- C1-C2 lines passes through villages Katagaria and Bijpur and meets at point 'C2'.
- C2-C3 line passes along the part northern boundary of village Bijpur and meets at point 'C3'.
- C3-C line passes along the western boundary of villages Bijpur and Katagaria (which is also the part western boundary of Raniganj Block-7 notified vide S. No. 1972 dated 4-7-63) and meets at point 'C'.

[No. C2-24(1)/64.]

K. SUBRAHMANYAN, Under Secy.

MINISTRY OF TRANSPORT

(Transport Wing)

New Delhi, the 5th December 1964

S.O. 4193.—In exercise of the powers conferred by clause (i) of Article 299 of the Constitution, the President hereby directs that the undermentioned instrument may be executed on his behalf by the Special Secretary to the Government of India in the Ministry of Transport, New Delhi; namely:—

"The guarantee between the Government of India and the State Bank of India regarding the granting of Medium Term Loan by the State Bank of India to the Shipping Corporation of India Limited, Bombay."

[No. 41-MD(2)/63.]

J. V. DASS, Under Secy.

(Transport Wing)

PORTS

New Delhi, the 5th December 1964

S.O. 4194.—In pursuance of sub-section (3) of section 6 of the Bombay Port Trust Act, 1879 (Bombay Act 6 of 1879), the Central Government hereby publishes the following return received from the Bombay Chamber of Commerce and Industry, Bombay, namely:—

"Return showing the name of the person elected by the Bombay Chamber of Commerce & Industry, in accordance with the provision of section

13(2) of the Bombay Port Trust Act, 1879 to fill the vacancy caused by the temporary absence on leave of Mr. R. J. Hammond".

Date of Election	Name of the person Elected
26th November, 1964	Mr. R. G. Ernst.

[No. 8-PG(166)/64.]

R. RANGARAJAN, Under Secy.

MINISTRY OF EDUCATION

New Delhi, the 4th December 1964

S.O. 4195.—The Central Government having nominated Dr. S. Bhagavantam and Shri K. N. Channa to be members of the Council in pursuance of clause (h) of sub-section (2) of section 31 of the Institutes of Technology Act, 1961 (59 of 1961), the following amendment is hereby made in the notification of the Government of India in the (late) Ministry of Scientific Research and Cultural Affairs No. F. 24-5/62-T.6 dated the 9th May, 1962, namely:—

In the said notification, under the heading "II. Representatives of the Central Government", in item (h) for the existing entries (i) and (ii), the following entries shall be substituted, namely:—

"(i) Dr. S. Bhagavantam, Scientific Adviser to the Minister for Defence, New Delhi"; and

"(ii) Shri K. N. Channa, Financial Adviser, Ministry of Finance, New Delhi".

[No. F. 25-3/63-T.6.]

BIMAN SEN,
Deputy Educational Adviser (Tech.)

ARCHAEOLOGY

New Delhi, the 1st December 1964

S.O. 4196.—In pursuance of section 36 of the Ancient Monuments and Archaeological Sites and Remains Act (24 of 1958) the Central Government hereby makes the following corrections in the description of the ancient monument referred to at item 4 of the notification No. 8516 dated the 27th March, 1919 issued by the Government of Punjab in the Revenue and Agriculture Department (General), and deemed to be an ancient monument declared to be of national importance for the purposes of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) under section 3 of that Act, namely:—

The entries.

"4 Do. Do. Site of Ibrahim Lodi's tomb"

shall be corrected as follows namely :—

"4	Karnal in Punjab State.	Panipat in tehsil Panipat.	Ibrahim Lodi's tomb together with adjacent land comprised in survey plot Nos. 4209, 4210 and part of survey plot No. 4208 as shown in the plan reproduced below, covering an area of 5 bighas and 6 biswas bounded on the—
----	-------------------------------	----------------------------------	--

North : by remaining portion of survey plot No. 4208.

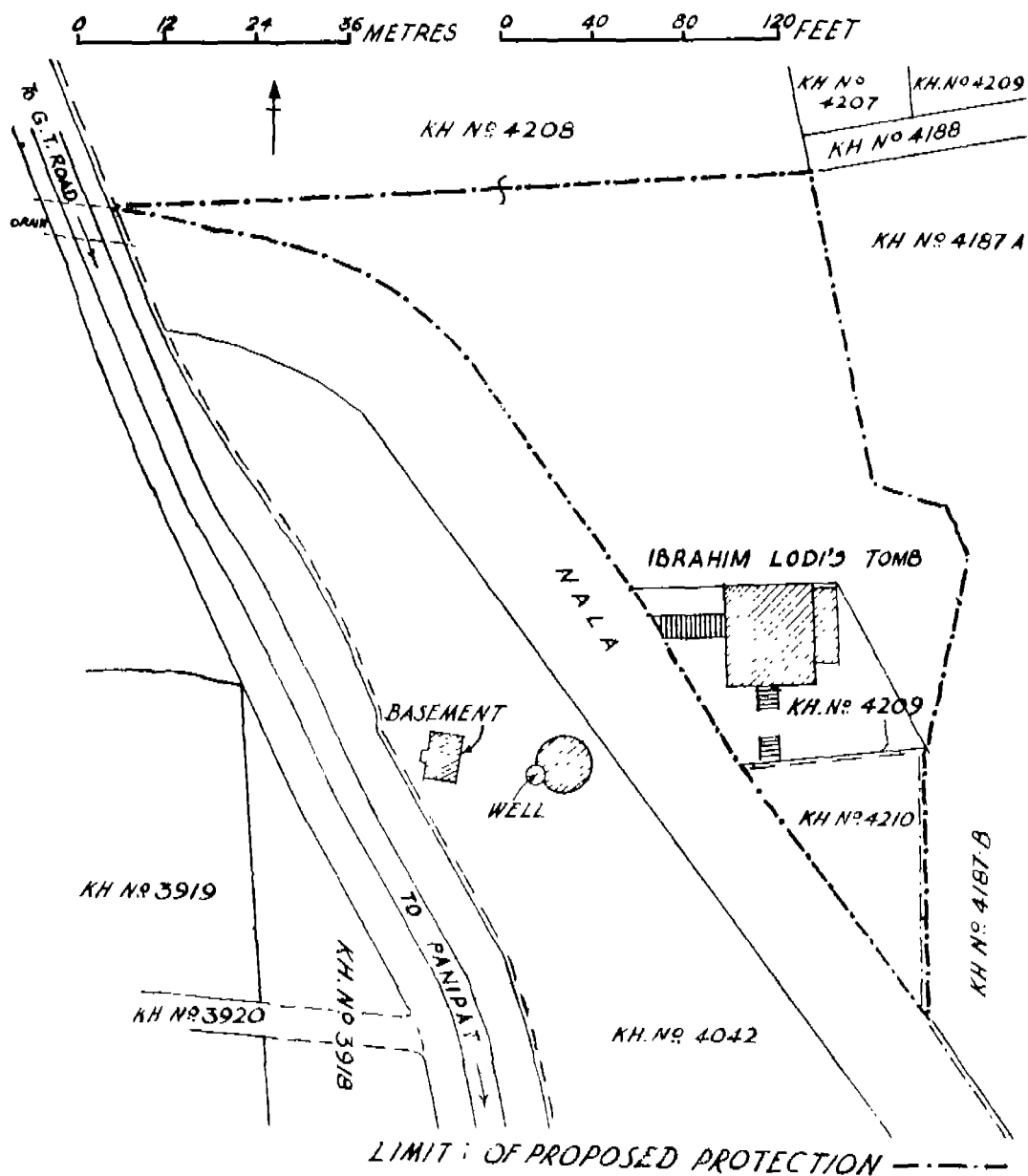
East : by survey plot Nos. 4187 A and 4187 B.

South : by road and survey plot No. 4187 B.

West : by road.

(NOTE :—Out of the above, survey plot No. 4209 is owned by the Central Government and remaining area is owned by the Panchayath)."

SITE PLAN OF IBRAHIM LODI'S TOMB AT PANIPAT



[No. F. 4-34/64. C.1.]

S. J. NARSIAN, Asstt. Ednl Adviser

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 30th November 1964

S.O. 4197.—In exercise of the powers conferred by Section 3 of the Terminal Tax on Railway Passengers Act, 1956 (69 of 1956), and in supersession of the notification of the Government of India in the Ministry of Railways (Railway Board) No. F. (X)II-57/TX-19/12-11, dated the 18th July, 1961, the Central Government hereby—

- (a) fixes the rates as mentioned in column (2) of the Schedule annexed hereto at which terminal tax shall be levied in respect of every railway ticket on all passengers carried by railway from or to the notified places specified in column (1) of the said Schedule:
 - (b) directs that the aforesaid terminal tax shall be leviable with effect from the 1st January, 1965.
2. This Notification shall come into force on the 1st January, 1965.

THE SCHEDULE

Names of notified places (1)	Rates of terminal tax per single ticket (2)			
	Adult		Child between 3 and 12 years of age	
	For short distance passengers (41—150 miles) or (66-242 kilometres.)	For long distance passengers (over 150 miles) or (over 242 kilometres)	For short distance passengers (41—150 miles) or (66—242 kilometres)	For long distance passengers (over 150 miles) or (over 242 kilometres)
1. Allahabad Jn.				
2. Allahabad City				
3. Daraganj				
4. Naini Jn.				
5. Prayag.				
6. Prayag Ghat (when opened)				
7. Phaphamau				
8. Subedarganj				
9. Bamhaurli.				
		Rs. P	Rs. P	Rs. P
	Air-conditioned			
	or 1st class.	1.00	1.50	0.50
	II class	0.50	1.00	0.25
	III class	0.20	0.40	0.10
				0.20

Explanation:—The terminal tax on a return ticket shall be double the rates fixed herein.

[No. F.(X)I-64/TX-19/14.]

P. C. MATHEW, Secy.

MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 30th November 1964

S.O. 4198.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (2) of rule 9 and sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Smt. Minal Saran after consultation with the Central Board of Film Censors, as a member of the Advisory Panel of the said Board at Bombay with immediate effect.

[F. No. 11/2/62-FC(III).]

R. B. SINHA, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 2nd December 1964

S.O. 4199.—Dr. A. B. Roy, M.B.B.S., D.P.H. (Cal.), D.T.M. & H. (Lond.), Director of Health Services, Assam, having been nominated under clause (c) of section 3 of the Dentists Act, 1948 (16 of 1948), by the Government of Assam, to represent that State on the Dental Council of India, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Health No. F. 3-2/62-MII, dated the 17th October, 1962, namely:—

In the said notification, under the heading "Nominated under sub-section (c) of Section 3", for entry 2, the following entry shall be substituted, namely:—

"2. Dr. A. B. Roy, M.B.B.S., D.P.H., (Cal.), D.T.M. & H. (Lond.), Director of Health Services, Assam".

[No. F. 3-13/64-MPT.]

New Delhi, the 3rd December 1964

S.O. 4200.—In pursuance of clause (d) of rule 2 of the Indian Medical Council Rules, 1957, published with the notification of the Government of India in the Ministry of Health S.R.O. No. 1319, dated the 16th April, 1957, the Central Government hereby appoints Shri K. Abdul Majeed, Administrative Officer to the Director of Health Services, Kerala, as Returning Officer, vice late Sri E. Moses, for the conduct of election from the State of Kerala of a member to the Medical Council of India, under clause (c) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956).

[No. F. 4-28/64-MPT.]

ORDERS

New Delhi, the 30th November 1964

S.O. 4201.—Whereas the Government of India in the Ministry of Health has, by notification No. 17-2/60-MI, dated 22nd April, 1960, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification M.D. (Pennsylvania U.S.A.) for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby specifies the period of two years with effect from the 31st August, 1964, the date on which period for which practice was previously allowed expired or so long as Dr. W.M. Bond who possesses the said qualification, continues to work in the Wanless Hospital, Miraj, District Sangli, to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. W. M. Bond shall be limited.

[No. F.32-57/64-MPT.]

S.O. 4202.—Whereas the Government of India in the Ministry of Health has, by notification No. 16-41/61-MI, dated the 23rd July, 1962 made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "M.D. granted by the University of Kansas, U.S.S." for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby specifies the period of two years with effect from the 23rd July, 1964, the date on which the period for which he was first permitted for practice, expired or so long as Dr. Ira Cox Jr. who possesses the said qualification, continues to work in the Reynolds Memorial Hospital, Washim, Akola District to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which Dr. Ira Cox. Jr. shall be limited.

[No. F.32-61/64-MPT.]

New Delhi, the 2nd December 1964

S.O. 4203.—Whereas the Government of India in the Ministry of Health, has, by notification No. 16-44/61-MI, dated the 23rd July, 1962, made, in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "ARTSEXAMEN" (i.e. Diploma Medical Faculty) University of Amsterdam for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby specifies a further period of two years with effect from the 4th August, 1964 or so long as Dr. A.W.F. Rutgers who possesses the said qualification, continues to work in the Leprosy Centre, C.S.I. Guledgudd, Distt. Bijapur to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. A.W.F. Rutgers shall be limited.

[No. F. 32-56/64-MPT.]

B. B. L. BHARADWAJ, Under Secy.

New Delhi, the 3rd December 1964

S.O. 4204.—In exercise of the powers conferred by clause (b) of sub-section (3) of section 3 of the Delhi Development Act, 1957 (61 of 1957), the Central Government hereby appoints Shri K. L. Rathee as Vice-Chairman of the Delhi Development Authority and makes the following further amendment in the notification of the Government of India in the Ministry of Health No. 12-173/57-LSG, dated the 30th December, 1957, namely:—

- (1) In the said notification, against serial number 2, for the entries "Shri K. L. Pasricha", "Shri K. L. Rathee" shall be substituted.
- (2) This notification shall be deemed to have come into force on the 21st November, 1964.

[No. F. 10-5/64-LSG.I.]

A. S. BAGHEL, Dy. Secy.

MINISTRY OF IRRIGATION & POWER

ORDER

New Delhi, the 26th November 1964

S.O. 4205.—In exercise of the powers conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 118(a),
- (ii) Rule 119(1)(a),
- (iii) Rule 118(c),
- (iv) Rule 130 and
- (v) Rule 123(7)

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with one 3.3 KV Russian Electric Excavator, Model EKG-4.6, Serial Number 437:

- One circuit breaker made in U.S.S.R., 100 Amp. 6.6 KV Serial No. 1, Type 2 KBE-6 MT.
- One motor make U.S.S.R., 250 KW, 51.5 Amps., 3.3 KV Serial No. 138138, Type AE 113-4T-GOST-183-55.
- One transformer, 30 KVA, 3.3 KV/230 volts, 3 phase star/connected, neutral of secondary insulated, serial Number 805416, Type TME-30/6-T.
- One flexible trailing cable, length 330 metres, 6000 volts grade, four core 3×25 sq. mm. plus 1×10 sq. mm. ground conductor. Made in

U.S.S.R. current conductor individually screened, flexible not armoured, Russian standard, GOST 9388-60 Type KS HVG-T.

One oil circuit breaker, Long and Crawford, 400 Amps., 3.3 KV serial number 621677, Type C6.

in the open cast mine at Gidi 'C' Colliery of M/s. National Coal Development Corporation limited to the extent that (1) in relaxation of rule 118(a), the portable motor driving generator set in the shovel may be used at 3.3 KV, (2) in relaxation of Rule 119(1)(a), one 30 KVA 3.3 KV/230 volts 3 phase star/connected transformer with its associated equipment using energy at high voltage may not be fixed apparatus as being installed on the portable shovel moving from place to place, the same have a portable sense, (3) in relaxation of rule 118(c), the 125 volts system of supply intended for use for lighting purposes within the shovel from 30 KVA 3.3 KV/230 volts 3 phase transformer, the transformer having the neutral of the secondary insulated and as such the voltage of the system being obtained between a phase and insulated neutral, and not between phases as contemplated in rule 118(c), the 125 volts system of supply is specially considered and may be used, (4) in relaxation of rule 130, the neutral point of 30 KVA 3.3 KV/230 volts 2 phase transformer may remain insulated and (5) in relaxation of rule 123(7), the flexible cable not exceeding 330 metres in length may be used with the portable machine and that the relaxation shall be subject to the following conditions:

- (1) The over-current trips of the circuit breaker controlling 3.3 KV supply to the flexible cable shall be in keeping with the rating of the 3.3 KV motor driving the generator set, installed in the portable machine.
- (2) The installation and wirings inside the shovel shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, Rules 115-117, 121, 124 and 125.
- (3) The flexible trailing cable should be connected to the electric supply system and the machine by properly constructed connector boxes or totally enclosed safe attachments.
- (4) The Excavating Machine alongwith the flexible trailing cable shall be worked and handled with due care so as to avoid danger arising out of any electrical defect or in the use. The insulation resistance of the high voltage circuit including the driving motor, shall at no time be less than 10 megohms.
- (5) The operators of the shovel shall be trained and authorised for operating the shovel with competency and due care to avoid danger.
- (6) The unarmoured flexible cable supplied by the manufacturers shall be replaced by pliable armoured flexible cable of adequate current carrying capacity at an early date under intimation to the Central Government through the Electrical Inspector of Mines.

Provided that the aforesaid relaxation shall be valid for such time as the machine is in use in the mine and due information shall be given to the Central Government through Electrical Inspector of Mines as soon as the machine is taken out of the mine.

[No. EL.II-6(5)/64.]

G. S. BAKSHI, Under Secy.

MINISTRY OF WORKS & HOUSING

New Delhi, the 2nd December 1964

S.O. 4206.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following rules to amend the Allotment of Government Residences (General Pool in Nagpur) Rules, 1963, issued with the notification of the Government of India in the late Ministry of Works, Housing and Rehabilitation (Department of Works and Housing) S.O. No. 1531 dated the 28th May, 1963, namely:—

1. These rules may be called the Allotment of Government Residences (General Pool in Nagpur) Amendment Rules, 1964.

2. In the Allotment of Government Residences (General Pool in Nagpur) Rules, 1963, in S.R. 317-B-3, in sub-rule (1), for the words "sixteen kilometres", the words "twelve kilometres" shall be substituted.

[No. 3/42/64(i)-Acc.I.]

S.O. 4207.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following rules to amend the Allotment of Government Residences (General Pool in Bombay) Rules, 1963, issued with the notification of the Government of India in the Ministry of Works, Housing and Rehabilitation (Department of Works and Housing) S.O. No. 1532 dated the 28th May, 1963, namely:—

1. These rules may be called the Allotment of Government Residences (General Pool in Bombay) Amendment Rules, 1964.
2. In the Allotment of Government Residences (General Pool in Bombay) Rules, 1963, in S.R. 317-B-3, in sub-rule (1) for the words "sixteen kilometres", the words "twenty-five kilometres" shall be substituted.

[No. 3/42/64(ii)-Acc.I.]

S.O. 4208.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following rules to amend the Allotment of Government Residences (General Pool in Calcutta) Rules, 1963, issued with the notification of the Government of India in the late Ministry of Works, Housing and Rehabilitation (Department of Works and Housing) S.O. No. 1533 dated the 28th May, 1963, namely:—

1. These rules may be called the Allotment of Government Residences (General Pool in Calcutta) Amendment Rules, 1964.
2. In the Allotment of Government Residences (General Pool in Calcutta) Rules, 1963, in S.R. 317-B-3, in sub-rule (1), for the words "sixteen kilometres", the words "twenty-five kilometres" shall be substituted.

[No. 3/42/64(iii)-Acc.I.]

S.O. 4209.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following rules to amend the Allotment of Government Residences (General Pool in Simla) Rules, 1963, issued with the notification of the Government of India in the late Ministry of Works, Housing and Rehabilitation (Department of Works and Housing) S.O. No. 1534 dated the 28th May, 1963, namely:—

1. These rules may be called the Allotment of Government Residences (General Pool in Simla) Amendment Rules, 1964.
2. In the Allotment of Government Residences (General Pool in Simla) Rules, 1963, in S.R. 317-B-3, in sub-rule (1), for the words "sixteen kilometres", the words "eight kilometres" shall be substituted.

[No. 3/42/64/(iv)-Acc.I.]

H. S. JAIN, Under Secy.

MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 3rd December 1964

S.O. 4210.—In exercise of the powers conferred by Clause (a) of Sub-section (2) of Section 16 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby appoints for the State of Punjab, Shri Sardar Singh, Managing Officer in the office of Regional Settlement Commissioner, Jullundur as Managing Officer for the custody, management and disposal of compensation pool with effect from the after-noon of 26th October, 1964.

[No. 7(11)AGZ/64.]

S.O. 4211.—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (No. 44 of 1954), the Central Government hereby appoints Shri C. L. Mehta as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the forenoon of the 6th November, 1964.

[No. 8(68)AGZ/64.]

New Delhi, the 4th December, 1964

S.O. 4212.—In exercise of the powers conferred by Clause (a) of Sub-section (2) of Section 16 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby appoints for the State of Rajasthan Shri N. B. Gorwaney, Assistant Settlement Officer in the office of Regional Settlement Commissioner, Jaipur as Managing Officer for the custody, management and disposal of compensation pool with effect from 12th November, 1964.

(No. 7/46/55-SII/AGZ.)

S.O. 4213.—In exercise of the powers conferred by Sub-section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the State of Rajasthan, Shri N. B. Gorwaney, Assistant Settlement Officer in the office of the Regional Settlement Commissioner, Jaipur as Assistant Custodian for the purpose of discharging the duties assigned to Assistant Custodian by or under the said Act, with effect from 12th November, 1964.

[7/46/55/SII/AGZ.]

KANWAR BAHADUR,

Settlement Commissioner(A) & *Ex-Officio*.
Dy. Secy.

DEPARTMENT OF SOCIAL SECURITY

New Delhi, the 30th November, 1964

S.O. 4214.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factory in an implemented area, hereby exempts the Central Asphalt Plant, Egmore, Madras, belonging to the Corporation of Madras from the payment of the employers' special contribution leviable under chapter VA of the said Act for the period upto and including the 19th November, 1965.

[No. F. 6/124/63-HI.]

S.O. 4215.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the Biological Products Section, P.O. Veterinary College, Hissar, having regard to its location in an implemented area, from the payment of the employers' special contribution leviable under chapter VA of the said Act for the period upto and including the 29th September, 1965.

[No. F. 6/52/64-HI.]

S.O. 4216.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 134 dated the 5th January, 1962, namely:

In the Schedule to the said notification, against item No. 7, the entries "Garhara" and "Burmah Shell"

occurring in columns 3 and 4 respectively shall be omitted.

[No. F. 6/70/64-HI.]

S.O. 4217.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the nature of the industry carried on in the factory, hereby exempts Messrs Mamally Coffee Curing Works, Cheruvannur, from the payment of the Employers' Special Contribution leviable under Chapter V-A of the said Act for a further period upto and inclusive of the 11th July, 1965.

[No. F. 7/19/63-HI.]

New Delhi, the 4th December 1964

S.O. 4218.—Whereas the Central Government is satisfied that the employees of the Mechanical and Transport Workshop, Dum Dum, belonging to the Government of India in the Ministry of Works and Housing and placed under the Central Public Works Department, are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now therefore, in exercise of the powers conferred by section 90 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby exempts the Mechanical and Transport Workshop, Dum Dum, belonging to the Government of India in the Ministry of Works and Housing and placed under the Central Public Works Department, from all the provisions of the said Act for the period upto and inclusive of the 14th September, 1965.

[No. F. 6(116)/63-HI.]

SHAH AZIZ AHMAD, Dy. Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 1st December 1964

S.O. 4219.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the Industrial dispute between the employers in relation to the Dhemo Main Colliery, P.O. Sitarampur, District Burdwan and their workmen which was received by the Central Government on the 23rd November 1964.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: CALCUTTA

REFERENCE No. 43 OF 1964

PARTIES:

Employers in relation to the Dhemo Main Colliery,

AND

Their workmen.

PRESENT:

Shri L. P. Dave... Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri M. K. Mukherjee, Advocate.

On behalf of Workmen.—Shri N. Das, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines

AWARD

The Government of India, Ministry of Labour and Employment, by their Order No. 6/53/64-LRII dated 20th July 1964, have referred the industrial dispute existing between the employers in relation to the Dhemo Main Colliery and their workmen in respect of the question whether the management was justified in ordering transfers of Sarvashri Birodhi, Ramayan and Muneswar, Loaders, from B. C. Incline to B. D. Seam of the same colliery and if not, to what relief they are entitled for adjudication to this Tribunal.

2. In response to notices issued by the Tribunal, the workmen represented by the Colliery Mazdoor Congress filed their written statement contending *inter alia* that the Dhemo Main Colliery is a big coal mine having different independent mines and mining establishments therein and that the B. C. Incline and the B. D. Seam are two separate industrial establishments; that the workmen who are involved in the present dispute have all along been working as loaders in the B. C. Incline establishment for the last five to six years and that since January 1964 the management had been neglecting the extension of tram lines as a result of which loaders had to encounter a lead of 300' to 400' without payment of any allowance for such lead; that the loaders are piece-rated workers and such a lead seriously

affected their earnings; that the workmen concerned in this dispute represented their grievances and claimed payment for this lead; that this demand annoyed the management and chargesheets were issued against them on 27th March 1964 based on false and unfounded allegations; that the workmen denied the allegations; but the Enquiry Officer without making any enquiry in a proper manner submitted false report finding the workmen guilty; that another chargesheet was issued against the workman Birodhi on some false allegations and the Enquiry Officer without holding an enquiry in a proper manner submitted a false report against him finding him guilty; that the management issued letters to the workmen informing them that they had been found guilty of the charges brought against them and suspended each of them for 10 days; that they also awarded another punishment to them by ordering them to be transferred to B. D. Seam; that there was no justification whatsoever for the aforesaid punishment of suspension with retrospective effect which was illegal; that the punishment given by the order of transfer was also bad and illegal and amounted to a double punishment; that the workmen who are working in the B. C. Incline could not be transferred to the B. D. Seam which is a different and separate industrial establishment; that apart from this, the B. D. Seam establishment has totally different working conditions from those in the B. C. Incline; that the B. C. Incline workings are at a lesser depth than the B. D. Seam workings and the employment in the former is less hazardous; that the working in the B. D. Seam is gassy and hotter than B. C. Incline; that the average earnings of a loader in B. D. Seam are less than those of a loader in the B. C. Incline; that the pit of B. D. Seam is a common pit for both B. D. Seam and for Dishergarh Seam and the sand stowing pipes to Dishergarh Seam go through the same pit; that due to frequent bursting of sand stowing pipes, work in the B. D. Seam often remains suspended causing loss of earnings for the loaders in B. D. Seam; that the tub supplies are more regular and quick in the B. C. Incline than in the pits which helps the loaders to earn more; that Dishergarh Seam being a deeper mine many dangerous and obnoxious gasses form there and as there are common pits this often results in the closure of the B. D. Seam along with the Dishergarh Seam; that the management's decision to transfer the workers from B. C. Incline to B. D. Seam was *malafide* and had been made with a motive to victimise them for their making agitation for payment of lead allowance; that the order of transfer is palpably a colourable exercise of the management's power to transfer; that the said order should be held not justified and the workmen concerned should be held to be reinstated in their jobs in B. C. Incline with full wages for the period they had been stopped from working there.

3. The management by their written statement contended *inter alia* that the Dhemo Main Colliery which consists of various seams and inclines comprises one single industrial establishment; that it is not true to say that the B. C. Incline and the B. D. Seam are separate industrial establishment; that the ownership of both the incline and the seam rest in one company and both are integral parts of and run by the staff and officers of the said colliery owned by the said company; that the allegations about the non-extension of tram lines and about the loaders having to encounter a lead of 300' to 400' are not true; that the workmen never put forth any grievances about this as alleged; that the workmen were properly chargesheeted for abusing, assaulting and committing indecent behaviour towards the overman and they were further chargesheeted for abusing and behaving in indecent manner with the Manager; that a proper enquiry was held and they were properly held guilty; that the allegations in this connection are all false; that they were properly punished; that the order of transfer was passed not by way of punishment but with a view to take them away from the place, for working where they were making grievances; that the allegations regarding suspension are not true and are not relevant in the present case as there is no reference on that point; that the order of transfer was legal, just and proper and the workmen are therefore not entitled to any relief.

4. The present dispute relates to three workmen of the Dhemo Main Colliery named Birodhi, Ramayan and Muneshwar. Admittedly all these three workmen were working as loaders in the B. C. Incline but by an order passed by the management in April 1964 they were transferred as loaders to the B. D. Seam and it is this order of transfer which is the subject matter of this dispute.

5. Both the B. C. Incline and the B. D. Seam are parts of the Dhemo Main Colliery which belongs to the Dhemo Main Collieries Limited. This colliery has one General Manager and two managers. One of the managers is in charge of the B. C. Incline and the other is in charge of the B. D. Seam and also Dishergarh Seam. The Union contends firstly—that the management had no power of transferring the workmen from B. C. Incline to the B. D. Seam and secondly, that the order of transfer was not *bona fide* and was made as a sort of victimisation and was in colourable exercise of the management's right of transfer.

6. At the time of arguments, it was fairly conceded by Shri Das appearing on behalf of the Union that the management had the right of transferring loaders from B. C. Incline to B. D. Seam. Apart from this, the Standing Orders give the management the right to transfer workmen from one department to another or from one station to another station or from one coal mine to another under the same ownership. In the present case, the transfer is from one part of the colliery to another part of the same colliery. There being only one colliery, the ownership is common. Probably because the colliery is a big one, they have two managers, one in charge of one part of the colliery and another in charge of another part; that is why we have different managers at B. C. Incline and B. D. Seam. However, merely because there are different managers, it does not make them different establishments. The establishment is one and the same; but for the sake of convenience, different portions or sections are put in charge of different officers with a general Manager at the head. The management have every right to transfer a workman from one place of work or one Section to another in the same colliery, more so when the Standing Orders give them power even to transfer a workman from one colliery to another and from one station to another. Actually, the Union's witness Rambilash Oza had admitted that loaders working in a gang at a particular place in the B. C. Incline were at times transferred to the B. D. Seam. All that he alleged was that the transfer was of gangs and not of individuals. It may however, be noted that the loaders are paid individually and not in gangs and if the management could transfer several people at a time who are working individually and paid individually, they could as well transfer a few of them from one place to another. In any case, I think that the transfer of a workman is the inherent right of the management and they could do so provided of course that it is not mala fide or actuated by improper motives like victimisation and provided further that by such transfer the wages and other conditions of service of the workman are not altered to his disadvantages.

7. The Union has alleged that the transfer was made *mala fide* because the workman concerned had made grievances to the management about not being paid proper wages for lead. It is said that there was a lead of 400' to 500' in the B. C. Incline for which the workmen were not paid anything and these three workmen made grievances about it and thereupon they were transferred. The case of the Union in this connection cannot be believed. Firstly, in the written statement it has been alleged that no payment whatsoever was made for the lead. The Union's witness Oza has however said that a fixed amount of either as. -/3/- or -/4/- was being paid to the loaders whatever may have been the actual measurements of the lead. Secondly, so far as the lead is concerned, workmen are entitled to payment at a particular rate which rates have been fixed by an Award of the All India Colliery Disputes Tribunal. If the workmen were not paid proper amount for lead, I am sure that the Union would have taken up the matter with the management and if necessary, with the Labour Inspector or with the Regional Labour Commissioner. Nothing of the sort appears to have been done and this also shows that the allegation in this connection is not true.

8. We have then the fact that as many as 120 loaders are working in the section where there is alleged to be a long lead of 400'. It has been alleged that about fifteen or twenty of them had gone to see the manager in this connection and that the present three workmen were among them. Here also there is no reliable evidence. Actually, there is no evidence beyond the bare word of Oza who is not directly concerned in this case. Further, if fifteen or twenty people took an active part in claiming payment for lead, there is no reason why the management should have selected these three workmen for punishment.

9. It may be noted that the opening of the B. C. Incline and the opening of the B. D. Seam are at a distance of about 1120 that is, less than two furlongs. This itself shows that the transfer was not by way of punishment or *mala fide*. If the management really wanted to harass the workmen, they would have transferred them to a place which was at more distance than this.

10. On the whole, I am not satisfied with the allegations of the Union that these people were transferred because they took a leading part in claiming lead.

11. It was then urged that the transfer was by way of punishment; that a false chargesheet had been served on the three workmen; that they were held guilty without a proper enquiry and that they were awarded double punishment of suspension and transfer. The present reference relates to transfer and I am not concerned with the punishment of suspension. Transfer is not considered to be a punishment and it cannot be said that a double punishment was given to the workmen. It is true that the order of transfer was contained in the same order in which the punishment of suspension was given; but this does not necessarily mean that it was given by way of punishment. As explained by the manager, Shri Lobo, in

his evidence before Tribunal, these persons were transferred firstly because more loaders were required in the B. D. Seam and secondly because the loaders had some grievances against the Overman in charge of the B. C. Incline and the management thought that they could remove these grievances by transferring these workmen to another part of the colliery where they would be working under another Overman. The charge sheet that was served on these workmen related to an alleged assault on this very Overman. For this, the workmen were found guilty and as I said above, were suspended. In other words, the management found the workmen guilty of an assault on the Overman and if at that time they felt that it was desirable to transfer the workers to another part where they would work under another Overman and thereby remove the cause of friction between the workers and the Overman, I do not think that it could be said to be a transfer by way of punishment or that it could be said to be *mala fide*. On the other hand, I think it would be a transfer made in the interest of peace in a colliery.

12. It was then urged that the conditions in B. C. Incline and the B. D. Seam were not the same and that the wages of the workmen would suffer as a result of the transfer and hence the transfer should be set aside. It may be noted at the outset that loaders are piecerated workers and they get the same rate of wages for working either in the B. C. Incline or in the B. D. Seam.

13. It was argued that the working conditions in the B. D. Seam were less favourable and that is why the workmen in the B. D. Seam were earning less than the workmen in the B. C. Incline. In this connection, the Union's witness Oza has stated that loaders in the B. C. Incline are able to earn on an average Rs. 32/- per week while the loaders in the B. D. Seam are able to earn only Rs. 16/- to Rs. 18/- per week. As against this, manager Shri Lobo has said that the average earnings of loaders in the B. D. Seam are Rs. 27/- per week and the average earnings of a loader in B. C. Incline are also about the same. Between the evidence of Oza (who is a Miners' Sirdar) and the Manager, I would prefer to believe the evidence of the latter. It may be noted that the miners' sirdar was formerly a contractor and though the contract system has been abolished, even now he gets his remuneration on a percentage of the earnings of persons working under him. He could have no personal knowledge about the earnings of the different (individual) workers. Apart from this, though he said that loaders in B. D. Seam were able to earn only Rs. 16/- to Rs. 18/- per week, he had to admit later on that the loaders were entitled to a minimum of Rs. 20.62 per week. He however said that they were not paid this amount even though their actual earnings were less. If this was so, it would mean that the workers were paid less than what they were entitled to. Still no complaint appears to have been made either by the workers or by the Union in this connection. If complaints had been made to the authorities, the same could have been produced but nothing of the sort has been done. No loader has been examined before the Tribunal. In all the circumstances, I do not believe that the average earnings of a loader in B. D. Seam are less than the average earnings of a loader in the B. C. Incline.

14. It was then urged that the working conditions in the B. C. Incline and the B. D. Seam are not the same and that the working conditions in the B. D. Seam are much worse than that in the B. C. Incline. It has firstly been said that the B. D. Seam is much deeper than the B. C. Incline. The witness Oza has said that the B. D. Seam is at a depth of nearly 600' but he was not able to give the depth of the B. C. Incline. The manager, Shri Lobo, has said that the depth of the B. D. Seam working is 600' while the depth of the B. C. Incline is 500'. Thus there is not much difference between the two depths. Again, by its very nature, the working would become deeper and deeper as the work is extended.

15. The next grievance was that there is only one fan to provide fresh air to the workers in the B. D. Seam and Dishergarh seam with the result that air in the B. D. Seam is usually hot. The manager has admitted that there is only one fan; but he has said that it is adequate for the two seams. It may be noted that there are Mines Regulations which govern providing of adequate fans and the management have got to obey these Regulations. The fan provided by the management for the two seams must be of adequate capacity; otherwise the Mines Department would not have allowed the management to work with one fan in the two seams. If the management infringes the regulations regarding provision of fan, they would be prosecuted by the Mines Department which inspects the mines off and on. But admittedly no action has been taken against them at any time in this connection. I do not believe the union's allegation on this point.

16. It was then said that the B. D. Seam is gassy whereas no gas has so far been found in the B. C. Incline. It has further been said that the sand stowing pipes for the Dishergarh seam pass through the B. D. Seam pit and sometimes when these pipes burst, the work of the B. D. Seam has to be stopped and this occurs once every

month. It has been further said that when gas is found in Disergarh seam, the working in the B. D. Seam has also to be suspended and this happens 3 or 4 times every year. These allegations are denied by the manager. I believe him. The manager has said that there has been not a single case of bursting of a pipe during the one year he has been there. He has also said that even if the pipe bursts, it would not affect the workers in the B. D. seam. It would only stop the sand stowing operations which are going on in the Disergarh seam, as the bursting of the pipe would only mean that no sand would be available for stowing. This would not affect the workers of the B. D. Seam. Regarding gas also, the manager has said that it does not affect the working, as the gas is removed by adequate ventilation. Finding of gas is possible in any colliery and in any part thereof. Though at present no gas may be found in B. C. Incline, one cannot rule out the possibility of gas being found at a later date and the workmen cannot be heard to say that as they are working in non-gassy portion, they cannot be transferred to a gassy portion. Gas is removed by adequate ventilation and does not affect the workmen as such.

17. It was then urged that the supply of tubs in B. D. seam was not as satisfactory as in B. C. Incline. This allegation is denied. I am not satisfied about this allegation. If this allegation was true, I am sure that the Union would have taken steps in the matter and would have approached the authorities to remove the grievances as it affects all persons working in the B. D. Seam.

18. On the whole, I hold that the management had the right to transfer the workmen from B. C. incline to B. D. Seam; that it was bonafide; that it was not in colourable exercise of their right; that it did not affect the wages or working conditions of the workmen; and hence the order of transfer was proper and just. As the transfer was proper and just, the workmen are not entitled to any relief.

I pass my award accordingly.

Dated, 20th November 1964:

(Sd/-) L. P. DAVE, Presiding Officer.

[No. 6/53/64-LR.II.]

New Delhi, the 3rd December, 1964

S.O. 4220.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Parbelia Colliery of Messrs Bengal Coal Company Limited, Post Office Disergarh, District Burdwan (West Bengal) and their workmen, which was received by the Central Government on the 27th November, 1964.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

In the matter of a Reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 47)

REFERENCE No. 53 OF 1962

PARTIES:

Employers in relation to the Parbelia Colliery of M/s. Bengal Coal Co. Ltd.,
P.O. Disergarh, Dt. Burdwan. West Bengal.

AND

Their workmen.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L.—*Presiding Officer.*

APPEARANCES:

For the Employers: Sri D. Narsingh, Advocate.

For the Workmen: Sarvashree N. Roy, Advocate, and Keshab Banerjee, General Secretary, Colliery Mazdoor Union.

STATE: West Bengal

INDUSTRY: Coal.

Dhanbad, dated the 12th November, 1964

AWARD

Ministry of Labour & Employment, Government of India, by its Order No. 6/6/62-LR.II dated the 22nd December, 1962 referred, under Section 10(1)(d) of the Industrial Disputes Act, for adjudication to this Tribunal, an industrial dispute existing between the employers in relation to the Parbelia Colliery of Messrs. Bengal Coal Co. Ltd., and their workmen in respect of the matter specified below in the Schedule:

SCHEDULE

“Whether refusal to give employment to 103 casual wagon loaders by the employers was justified? If not, to what relief the workers are entitled?”

2. This case was adjourned from time to time at the request of both the parties to enable them to come to an amicable settlement. Today on 12th November 1964 both the parties appeared before the Tribunal through their respective representatives. The company is represented by Sri D. Narsingh, Advocate, and Sri B. P. Kabi, Security Officer and the workmen concerned were represented by Shri Nikhil Roy, Advocate, and Sri Keshab Banerjee, General Secretary of the Colliery Mazdoor Union.

3. Sri Keshab Banerjee, General Secretary of the Union, on behalf of the concerned workmen, filed a petition to the effect that “the union does not press the reference on the understanding given to it by the Advocate of the management that the 103 casual workmen, whose list will be given by the Union to the management, will be given preference for appointment under it as wagon loaders as and when any wagon loading job which cannot be done by the existing workmen is available for them.” The Union, therefore, prayed that the reference be disposed of accordingly. On the same petition there is a note by Sri D. Narsingh, Advocate, for the management that he received a list of 103 casual wagon loaders referred to in the petition.

4. In these circumstances, as jointly prayed for by both the parties, the reference is disposed of in terms of the aforesaid petition, which is marked Annexure ‘A’ and an award in terms of it is passed and this petition is made a part of this Award.

5. This is the award which I make and submit to the Central Government under Section 15 of the Act.

DHANBAD,

Dated the 12th November, 1964.

Sd./- RAJ KISHORE PRASAD,

Presiding Officer.

ANNEXURE A

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT
DHANBAD

REFERENCE No. 53 OF 1962

Employers in relation to the Management of Parbelia Colliery

AND

Their workmen.

The workmen aforesaid most respectfully beg to state as follows:

1. Without prejudice to the submissions of the parties made before this Tribunal, the Union does not press the reference on the understanding given to it by the Advocate of the management that the 103 casual workmen, whose list will be given by the Union to the management, will be given preference for appointment under it as wagon loaders as and when any wagon loading job which cannot be done by the existing workmen is available for them.

The reference may, therefore, be disposed of accordingly.

Sd./- KESHAB BANERJEE,

General Secretary.
Colliery Mazdoor Union
for Workmen.

Dated 12th November, 1964

Received a list of 103 casual wagon loaders referred to above.

Sd./- D. NARSINGH,

for management.

12-11-64.

Before me.

(Sd.) RAJ KISHORE PRASAD,

Presiding Officer,

Central Govt. Industrial Tribunal,
Dhanbad. 12-11-64.

[No. 6/6/62-LR.II.]

ORDERS

New Delhi, the 1st December, 1964

S.O. 4221.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Belampalli Division, Tandur Collieries, Singareni Collieries Co. Limited and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Dr. Mir Siadat Ali Khan as the Presiding Officer with headquarters at Somajiguda, Hyderabad, and refer the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

1. Having regard to the nature of duties actually performed by Shri D. Suryanarayana, Clerk of Engineering Department, Belampalli, Tandur Collieries, Singareni Collieries Co. Ltd., whether the management is justified in not allowing to him the grade I clerical scale of Rs. 70—5—90—6—102—EB—8—158 as Senior Clerk?

2. If not, to what relief is the workmen entitled and from what date?

[No. 7/15/64-LR.II.]

S.O. 4222.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Singareni Collieries Company Ltd., Kothagudum and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Dr. Mir Siadat Ali Khan as the Presiding Officer with headquarters at Samajiguda, Hyderabad, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the eight working Sirdars, absorbed by the Company as coal cutters and building muccadams are eligible for wages on higher rate in categories VI special and III, in view of their existing wages and if so, what should be their wages.

[No. 7/12/64-LR-II.]

New Delhi, the 7th December 1964

S.O. 4223.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bankola Colliery (P.O. Ukhra, District Burdwan) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

(1) Whether the action of the management of Bankola Colliery in denying employment to Sri Jadu Sasmal (Wagon loader) from 14th July 1964 to 3rd September 1964 was an act of victimisation?

(2) If so, to what relief is the workman entitled?

[No. 6/82/64-LR.II.]

S.O. 4224.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the North Golakdih Colliery of Messrs North Golakdih Colliery Company, Post Office, Baliaipur (District Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- (1) Whether the management of North Golakdih Colliery of Messrs North Golakdih Colliery Company, Post Office Baliaipur (District Dhanbad), were justified in rendering all or any of the following sixteen workmen unemployed with effect from the 8th June, 1964:

1. Sri Phulchand Mahton.
 2. Sri Mohan Mahton.
 3. Sri Gaya Singh.
 4. Sri Bholoo Mahton.
 5. Sri Bara Sona Ram Mahton.
 6. Sri Chota Sona Ram Mahton.
 7. Sri Chet Lal Singh.
 8. Sri Bholu Rai.
 9. Sri Bhutto Mahton.
 10. Sri Bara Babu Lal Mahton.
 11. Sri Chota Babu Lal Mahton.
 12. Sri Rakhal Mahton.
 13. Sri Lakhi Ram Mahton.
 14. Sri Manu Kamar.
 15. Sri Gangu Mahton.
 16. Bengu Mahton.
- (2) If not, to what relief are the workmen entitled

[No. 2/121/64-LRIL.]

S.O. 4225.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Damodar Valley Corporation's Bermo Colliery, Post Office Bermo, District Hazaribagh, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

THE SCHEDULE

- I. Whether the Miners' Sirdars of the Damodar Valley Corporation's Bermo Colliery, Post Office Bermo (District Hazaribagh) whose names are given in the Annexure are workmen as defined in clause(s) of section 2 of the Industrial Disputes Act, 1947?
- II. If they are workmen, whether the management of the said Colliery, are justified in not paying or in stopping Sirdary Commission to the Miners' Sirdars whose names are given in the Annexure for the respective periods shown against each of them?

If not, to what relief are they or any of them entitled?

THE ANNEXURE

Sl. No.	Names of Miner's Sirdar.	Period for which Sirdari Commission not paid.	Date from which Sirdari Commission was stopped.
1	2	3	4
		Period Commencing from	
1.	Sri Trilochan	29-10-62 to 8-4-63	9-4-63
2.	„ Pukhram	-do-	-do-
3.	„ Norayan	-do-	-do-
4.	„ Jagdish	-do-	-do-
5.	„ Ramlal	-do-	-do-
6.	„ Kaloo	-do-	-do-
7.	„ Bhupal	-do-	-do-
8.	„ Sadh Ram	-do-	-do-
9.	„ Sonai	-do-	-do-
10.	„ Sheo Shankar	-do-	-do-
11.	„ Deo Ram	-do-	-do-
12.	„ Doni Ram	-do-	-do-
13.	„ Raghubar	-do-	-do-
14.	„ Mahabir	-do-	-do-
15.	„ Rokhram	-do-	-do-
16.	„ Rajnath	-do-	-do-
17.	„ Chandardeo	29-10-62 to 17-4-63	18-4-63
18.	„ Tejoo Ram	-do-	-do-
19.	„ Radha Mohan	-do-	-do-
20.	„ Ram Prasad	-do-	-do-
21.	„ Gouri	-do-	-do-

[No. 2/83/64/LRII.]

H. C. MANGHANI, Under Secy.

New Delhi, the 1st December 1964

S.O. 4226.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad in respect of an industrial dispute between the management of National Insurance Company Limited and their workmen which was received by the Central Government on the 27th November, 1964.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a Reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE NO. 17 OF 1963

PARTIES:

Employers in relation to the National Insurance Company Limited, Calcutta,
AND

Their workmen.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

APPEARANCES:

For the Employers—Sarvashri D. Prakash and R. S. Aggarwal.

For the Workmen—Sarvashri P. P. Rabindranathan and Ajoy Das Gupta.

STATE: West Bengal

INDUSTRY: Insurance.

Camp: Calcutta, dated the 24th October, 1964

AWARD

By order No. 70(22)/62-LRIV, dated 21st February, 1963 Ministry of Labour & Employment, Government of India, referred, under Section 10(1)(d) of the Industrial Disputes Act, 1947, to this Tribunal for adjudication, an industrial dispute existing between the employers in relation to the National Insurance Co. Ltd., Calcutta, and their workmen in respect of the matter specified in the Schedule below:

SCHEDULE

"Whether the action of the National Insurance Company Limited, Calcutta, in changing the practice prevalent in the company of disbursing salaries to its employees on any day in the last week of every month was justified; keeping in view, the practice obtaining in this regard in other similar companies and, if not, to what relief are the workmen entitled?"

2. The General Insurance Employees Association, Calcutta, (hereinafter known as the 'Union') filed a statement on behalf of the employees of the Company on 15th May, 1963. The main case of the employees was that the usual payment day was generally for many years the last but one full working day of each month or even earlier and never later than the last full working day of the month to suit the convenience of the workmen; that the so-called service rules framed by the company Exhibit M providing payment of salary as late as 10th of the next month was unilateral and arbitrary; that the common practice in almost all the insurance companies, life or general, such as the Life Insurance Corporation of India, and others mentioned in para 17 of the written statement the mode of payment of monthly salary was the same and similar as in this company; that as such the departure of this time honoured practice sought to be disturbed by the company was neither bonafide nor necessary nor fair; that the plea taken by the company regarding the cause for such a delay in payment, namely, the difficulty in adjusting of leave account, etc., is a false, frivolous and flimsy pretext and the simple answer to the same is that if for years together the old system of payment could work in this company without any difficulty and this system can work well in other insurance companies even now without causing any hindrance or difficulty, there is no reason why in this company only after the order dated 11th September 1962 of the Tribunal allowing inspection of documents and an application against this order to the Hon'ble High Court the company started feeling this difficulty for the first time in the history of the company; that the action of the company was also in contravention of Section 9A of the Industrial Disputes Act and as such it was illegal without any previous notice as contemplated by the said Section.

3. The company, in reply to the written statement of the Union, also filed written statement on 8th July 1963. The chief reliance of the company was on Rule 3 of its Service Rules and Conditions in force in the company Exhibit M which provides *inter alia* that salary will be paid monthly not later than tenth in the following month unless there are reasonable grounds to defer the payment. The Company further states that these service rules and conditions Exhibit M

have been duly accepted by the employees and therefore, they are bound by the same; that there has been no change in the said rule and as such there is no industrial dispute and as such the reference is bad in law and is not maintainable; that the salary for a particular month becomes due only as the close of the month and it takes at least two days for preparing the salary sheet and as such the salary cannot be paid earlier than 3rd of the next month; that according to the provisions of The West Bengal Shops and Establishment Act, 1963 (W.B. Act XIII of 1963) (hereinafter referred to as 1963 Act) wages are payable not later than the tenth of the month immediately succeeding that in respect of which such wages are payable; that if the salary is paid on the last day of the month then out of complications will arise as proper accounting in preparation of salary sheets can only be done after taking into account the attendance of employees for the full month including the last day of the month and that if the preparation of salary sheet is started two or three days before the close of the month then attendance for the last 2 or 3 days cannot be taken into consideration and advance salary payment is to be made besides following a wrong method of accounting; that if an employee remains absent for 2 or 3 days of the month and then full salary is paid for the full month and he thereafter leaves the service on the first of the following month the company stands to lose for those two or three days; that, therefore, taking into consideration all facts and circumstances into consideration the company is justified in making payment of salaries earliest on the first day of the next month after taking full account of the attendance and leaving margin for two days for the preparation of the salary sheets; that on the special request of the workmen salaries were paid sometime earlier but this was found to be a wrong method and was a departure from the service Rules Exhibit M by which the workmen were bound; that the company has no knowledge or information about the practice prevalent regarding the payment of salary in the companies named in the written statement by the Union; that therefore, the Union's claim that salaries should be paid three days before the close of the month or on the last full working day of the month be rejected.

4. The case was fixed for hearing, for the convenience of the parties at Calcutta, on 21st October 1964 and thereafter from day to day. When the case was taken up on 21st October 1964, Sarvashree D. Prakash and R. S. Aggarwal, Secretary of the company, appeared for the company and Sarvashree P. P. Ravindranathan, and Ajoy Das Gupta appeared for the employees. Documents filed by the parties were taken in evidence, with mutual consent of the parties and marked as Exhibits M and M. 1 on behalf of the company and Exhibits W to W. 3 on behalf of the workmen.

5. Both the parties examined witnesses. The company examined M.W. 1 Sri R. S. Aggarwal, Secretary of the Company and the Union examined seven witnesses, on behalf of the workmen, namely.

W.W. 1—Sri Bhupendra Chandra Das.

W.W. 2—Sri Madan Mohan Chatterjee.

W.W. 3—Sri P. P. Ravindranathan.

W.W. 4—Sri Sunil Kumar Ghosh.

W.W. 5—Sri S. S. Mozumdar.

W.W. 6—Sri Bishwanath Bhattacharyya.

W.W. 7—Sri Shanti Ranjan Dey.

6. As main reliance was placed on Rule 3 of Service Rules and conditions of the company Exhibit M, it is better to see it first. Exhibit M was framed sometime in 1940s. Rule 3, which deals with Salary, is in these terms:

"Salary will be normally paid monthly on the last working day of the month but not later than 10th of the following month unless there are reasonable grounds to defer the payment."

According to the company, the first part of Rule 3 is not following but the latter part is followed. But on the question of payment of the salary every month Sri R. S. Aggarwal M.W. 1 the only witness examined on behalf of the company has made important admissions which cannot be ignored. At page 3 M.W. 1 in his cross examination has said:

"According to Rule 3 of Exhibit M the normal practice is to pay monthly salary on the last working day of the month. Because the company is feeling accounting difficulty it is not adhering to the first part of Rule 3 of Exhibit M. The company has not till today deviated from the normal practice of paying the monthly salary on the last working day of the month."

This company, on the evidence of M.W. 1, was started in 1906 and since then on the admission of M.W. 1 the normal practice has been to pay the monthly salary on the last working day of the month. The workmen in para 8 of their written statement gave a chart giving the days of payment of their salaries in the last week of each month from 1957 to September 1962. The trouble started in and from October, 1962. Para 8 was admitted by M.W. 1 to be correct. According to para 8 the salary has been paid in the last week of the month between the 25th and the 31st of every month and never in the next month. The case of the Union, therefore, is proved by the admission of M.W. 1 and also by para 8 of their written statement which is accepted by M.W. 1 to be correct. The Union stated before me that the workmen would be satisfied if they are paid their monthly salary on the last full working day of the month as deposed to by M.W. 1. On the admission of M.W. 1 the company so far till September 1962 never attempted to depart from the first part Rule 3 of Exhibit M. On the admission of M.W. 1 the first part of Exhibit M is being adhered to always. In such a situation the employees were justified in objecting to the old practice being not adhered to. The President, without the consent of the workmen, had no power to pass any order against them against the first part of Rule 3 of Exhibit M to change the old system of payment of the salary as admitted by M.W. 1. The second part of Rule 3 of Exhibit M on the above evidence of M.W. 1 was actually in fact never given effect to. It remained as dead letter and inoperative and, therefore it cannot now be revived.

7. W.W. 1 Sri Bhupendra Chandra Das, an employee of Hercules Insurance Company, Calcutta, has stated that the monthly salary in that company is paid a day earlier than the last working day if it is full working day and that the employees of that company are never paid on the 1st of the next month or thereafter, and, therefore, there is no complaint by the management regarding any inconvenience on account of this mode of payment. W.W. 2 Shri Madan Mohan Chatterjee, an employee of Hindusthan General Insurance Society Limited, has stated that the salaries of employees of the company are paid on the last working day of the month which practice is coming from the inception of the company in 1944 and that there was never any complaint regarding any inconvenience of the mode of payment of the salary by this company. W.W. 3 Shri P. P. Ravindranathan an employee of the National Insurance Company stated as General Secretary of the General Insurance Employees Association, Calcutta, representing 22 general insurance companies, particularly the nine insurance companies of Calcutta mentioned in Exhibit W, that the monthly salary in all these nine companies is paid on or before the last working day of the month and in some companies it is being paid two or three days earlier than the last working day of the month and due to this system of payment of monthly salary there has been no complaint by any company or even by the present company. W.W. 4 Shri Sunil Kumar Ghosh is an employee in the Royal Exchange Assurance Corporation Ltd. since 1952 and he has produced the original standing rules of his company in which Rule 8 provides that:

"All employees shall ordinarily be paid their monthly salaries and allowances on the 25th day of each month. Provided, however, that if the 25th day falls on a holiday, payment will be made on the previous working day."

As the witness was not authorised by his company to file the original, an extract thereof was permitted to be filed which is marked Exhibit W.1. W.W. 5 Shri S. S. Mazumdar an employee at first of Scottish Union and National Insurance Company, now of merged and amalgamated as Norwich Union Fire Insurance Society Limited, where he is working as Accounts Clerk, stated that salaries in his company are paid on the last but one full working day of the month and that this practice he sees being followed since the time he was appointed in 1952 but it is coming from before also and his management did not feel any difficulty in this mode of payment of monthly salary. W.W. 6 Shri Biswanath Bhattacharyya is working in the Life Insurance Corporation of India since 1956. He produced the manual containing the rules but as he was not permitted to file it I permitted him to file extract of Rule 22 which was marked Exhibit W.3. Rule 22(d) provides that:

"Last but one working day of the month shall be the salary day. If last but one working day is a Saturday, salary shall be paid on the previous working day."

This witness W.W. 6 was an employee, before coming to LIC, of Prudential Assurance Company and there also monthly salary used to be paid on the day before the last working day of the month as was the practice in the L.I.C. W.W. 7 Shri S. R. Dey is an employee in Royal Insurance Group since 1958 and he also

stated that the payment of salary is made on the penultimate day of the month. He brought the standing rules for clerical and subordinate staff of the Calcutta Branch of the Insurance Group but as he was not authorised to file the original he was permitted to file an extract which was marked Exhibit W.2. In those rules relevant rule is No. 4 which deals with Pay Day and it provides that:

"All employees shall ordinarily be paid their monthly salaries and allowances on the penultimate day of each month. Provided, however, that if that day falls on a holiday, the payment should be made on the previous working day."

8. From the above analysis of the evidence of the witnesses of the different similar companies in Calcutta examined on behalf of the workmen it is plain that the mode of payment of salary every month is as is the case of the Union. The company has not adduced any evidence to the contrary nor got produced any document from any Corporation or similar insurance companies to prove the contrary that the mode of payment of salary was not as was the case of the union but it was as was the case of the company. There is no iota of evidence on behalf of the company to contravert the evidence adduced on the side of the workmen. Their evidence is practically one sided. In such a state of evidence, on the oral and documentary evidence on behalf of the union, unrebutted by contrary evidence by the company, it must be held that the salary in this company is paid, as admitted by M.W. 1, on the last full working day of the month as is the practice prevalent also in similar companies as deposed to by the witnesses examined on behalf of the Union.

9. On behalf of the company strong reliance was placed on Section 14(1) of the 1963 Act which, as stated on behalf of the company, came into force on 15th August 1964 and also on Rules 13 Form I, 18(2), 21, 30 Form M, 39, 40 Form U, 52 Form W, 41(i)(ii), (iii) and 41(3), 42, 48 and 51 of the West Bengal Shops and Establishments Rules, 1964, framed under Section 25 of the West Bengal Shops and Establishments Act, 1963 (which will be referred to hereinafter as '1964 Rules'). Emphasis was also laid on the words 'payment of wages' occurring in the preamble to the 1963 Act. I will deal with Section 14(1) of the 1963 Act separately.

Reliance was placed on the above rules in order to show that under these rules various registers have to be maintained in respect of leave, attendance, pay, overtime, etc. and, therefore, unless attendance is calculated and leave account is taken into consideration till the end of the month it is impossible to make payment on the last day of the same month. It was further contended that these registers are liable to be inspected and if there is any irregularity the company can be prosecuted under Rule 51. It was, however, admitted by the company that so far the registers required to be maintained under the rules above referred to and relied upon by the company, have not been maintained obviously because these rules came into effect only on 15th August 1964. I do not think therefore, it would be proper to decide the issue referred on a hypothetical basis on the assumption of facts and circumstances which at present do not exist at all. In my opinion, in this view, reference to the rules does not appear to be quite helpful for a solution of the problem before the Tribunal.

10. Section 14(1) of the 1963 Act is in these terms:

"14. Payment and recovery of wages.—(1) All wages payable to a person employed in a shop or an establishment shall be paid not later than the tenth day of the month immediately succeeding that in respect of which such wages are payable."

The company relying on Section 14(1) urged that salaries must be paid in the next month and not in the same month and in the next month also upto the tenth and as such the stand of the Union is contrary to Section 14(1) and must be rejected. It was further contended that the second part of Rule 3 of Exhibit M is consistent with Section 14(1).

In reply, the Union relied on Section 24 of the 1963 Act and on Rule 57 of the 1964 Rules.

Section 24 is in these terms:

"24. Saving of certain Rights and Privileges.—Nothing in this Act shall affect any right or privilege to which any person employed in any shop or establishment is entitled on the date of the commencement of this Act under any law for the time being in force or under any contract, custom or usage which is in force on that date, if such right or

privilege is more favourable to him than any right or privilege conferred upon him by this Act or granted to him at the time of appointment."

Rule 57 is also in similar terms. It is as follows:

"57. **Saving of Certain Rights and Privileges.**—Nothing in these rules shall affect any right or privilege to which any person employed in any shop or establishment is on the date of the commencement of these rules, entitled under any law for the time being in force or under any contract, custom or usage which is in force on that date, if such right or privilege is more favourable to him than any right or privilege conferred upon him by these rules or granted to him at the time of appointment."

It was contended on behalf of the Union that as the employees of the company got the right to receive their monthly salary within the month on the last full working day of the month and that practice is coming from a very long time and this right they were entitled to on the date of the commencement of the 1963 Act and 1964 Rules this right is not affected at all by them in view of Section 24 of the 1963 Act and Rule 57 of the 1964 Rules. This contention appears to be well founded and must be given effect to.

11. On behalf of the company two decisions of the Supreme Court in *Marina Hotel* (1961-62) 21(1) F.J.R. page 50 and *Hindusthan Times Limited*, New Delhi, and their workmen (1963-64) F.J.R. 342 at 355, were cited in order to show that the Tribunal cannot disregard a local Act and is bound to follow it. This proposition of law is not contested by the Union, and it cannot be contested, and, therefore, it is not necessary to deal with it. As a matter of fact, both the parties are relying on the 1963 Act and 1964 Rules but on different sections and rules, as stated above. There is, therefore, no question of disregarding this 1963 Act.

12. It was contended on behalf of the Union that an attempt has been made to change the conditions of service and, therefore, in view of Section 9A read with the fourth Schedule, Item 8, a notice under Section 9A of the Industrial Disputes Act was imperative, but no such notice was given and as such it is not open to the company to make any change. In reply, however, it was contended by the company that no change has been made inasmuch as the company relies on Rule 3 of Exhibit M which says that payment should be made upto the 10th of the next month and, as such, the question of notice under Section 9A does not arise. I think this contention is correct.

13. As regards the first part of Rule 3 of Exhibit M, namely, that "*Salary will be normally paid monthly on the last working day of the month*" this practice is in vogue in this company as deposed to by M.W. 7 as well as in other similar companies and, therefore, it must be upheld but the second part of Rule 3, namely, "*but not later than 10th of the following month unless there are reasonable grounds to defer the payment,*" in my opinion, should be struck down, as this provision is very unfair, unjust to the employees and against social justice and this has never been given effect to. If the second part of Rule 3 of Exhibit M is retained, the employees will suffer loss and will cause great inconvenience to them and as such it should be struck down.

It was contended on behalf of the company, on the other hand, that if the first part of Rule 3 of Exhibit M is maintained then great complications would arise, but so far no complication has arisen either in this company or in any of the similar insurance companies whose witnesses have come to depose before the Tribunal. The management has not called any witness of any company in Calcutta to show that any one company experienced any inconvenience or difficulty in regard to this mode of payment and if so, what were those difficulties. In these circumstances, on imaginary grounds, the so-called hypothetical difficulties, pointed out on behalf of the company which have not been so far felt by this company or any other similar company cannot be entertained which such difficulties were not felt in the past by this company and as a matter of fact these difficulties or inconvenience have not been felt by any of the other similar companies even.

In the above connection the argument of the company may be noted. It was contended on behalf of the company that in Exhibit M.1, which is the written statement of the workmen filed in another industrial dispute, the entire service conditions and rules, Exhibit M, have been admitted by them and nowhere in the said written statement it was alleged that the second part of Rule 3 of Exhibit M was invalid and as such it is not open to the workmen now to challenge the same. It is true that the workmen of this insurance company in para 1 of the written

statement Exhibit M.1 filed in Reference No. 6 of 1958 before the Central Government Industrial Tribunal, Calcutta, on 17th July 1958 they said that the service conditions adopted on or about 1st July 1951 by the parties to that dispute, who are parties to the present dispute also, were made applicable to all salaried employees of the said company in Calcutta including officers, clerical staff and menial staff. In that reference, however, there was no particular dispute about the mode of payment of monthly salary by the company to its employees, because admittedly they were being paid on the last full working day of the month as envisaged by the first part of Rule 3 of Exhibit M and the second part of Exhibit M was never given effect to and that seems to be the reason why the workmen never bothered about the second part of Rule 3 of Exhibit M and, therefore, did not say a word about it. That, however, will not stop the workmen from challenging the validity of the second part of Rule 3 of Exhibit M now when reliance is sought to be placed by the management on the second part of Rule 3 of Exhibit M in preference to the first part of Rule 3 of Exhibit M which obviously means prejudicial to the interest of the workmen. For these reasons, in my opinion, there is no merit in the objection of the company on this ground also and as such it is over-ruled.

For these reasons I reject the plea of the company that because complications would arise if the old system of making payment on the last full working day of the month is adhered to, as provided for by the first part of Rule 3 of the service rules Exhibit M, and, therefore, salaries should be paid on the 3rd of the next month earliest before the tenth of the next month.

14. I, therefore, answer the reference in favour of the 'workmen' concerned by holding, keeping in view the practice obtaining in this regard in other similar companies, that the National Insurance Company Ltd. was not justified in changing the practice prevalent in this company of disbursing salaries to its employees on the last full working day of the month or if necessary, on any day in the last week of every month. *The workmen, therefore, are entitled to be paid their salaries every month on the last full working day of the month in accordance with the first para of Rule 3 of the Service Rules and Conditions Exhibit M of which the second part is invalid.*

15. This is the award which I make and submit to the Government of India under Section 15 of the Act.

Camp: Calcutta,

Dated the 24th October, 1964.

RAJ KISHORE PRASAD,

[No. 70(22)/62-LRIV.]

ORDERS

New Delhi, the 2nd December 1964

S.O. 4227.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the State Bank of Patiala and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri K. L. Gosain shall be the Presiding Officer with headquarters at Chandigarh and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

- (1) Whether the management of the State Bank of Patiala was justified in terminating the services of Shri Davinder Pal Verma (clerk-cum-typist) with effect from the 3rd May 1963?
- (2) If not, to what relief is the workman entitled?

[No. 51(68)/63-LRIV.]

New Delhi, the 4th December 1964

S.O. 4228.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs Nathani Steel Yard, Bombay and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

THE SCHEDULE

- (1) Whether the demand of the workmen who are employed by the contractors of Messrs Nathani Steel Yard, Bombay engaged in the said Steel Yard for work in connection with the Port, for the abolition of contract system is justified?
- (2) If so, to what relief are the workmen entitled?

[No. 28/62/63-LRIV.]

O. P. TALWAR, Under Secy.

New Delhi, the 7th December 1964

S.O. 4229.—In exercise of the powers conferred by clause (1) of article 253 of the Constitution, the President hereby entrusts, with its consent, to the Government of the State of Nagaland, the functions exercisable by the Central Government under the Minimum Wages Act, 1948 (11 of 1948), in so far as they relate to the appointment, under sub-section (1) of section 20 thereof, of the Authority to hear and decide for any specified area, claims arising out of payment of less than the minimum rates of wages or in respect of the payment of remuneration for weekly days of rest or for work done on such days under clause (b) or (c) of sub-section (1) of section 13 or of wages at the overtime rate under section 14, to the employees employed in any scheduled employment for which the Central Government is the appropriate Government, within the State of Nagaland, subject to the condition that notwithstanding this entrustment, the Central Government may itself exercise the said functions either generally or in any particular case or class of cases.

[No. LWI-I-2(14)/63.]

A. K. PALIT, Under Secy.

MINISTRY OF COMMERCE

ORDER

EXPORT TRADE CONTROL

New Delhi, the 12th December 1964

S.O. 4230.—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following further amendment to the Exports (Control) Order, 1962, namely:—

In Part B of Schedule I to the said Order, after entry 22 under item 43, the following entries shall be inserted; namely:—

"23. No. 4 Top Bookform Splittings (7½ Sq. inch to 10 Sq. inch)

Russian Grade 50 Top Bookform Splittings (50 Sq. cm. to less than 65 Sq. cm.).

24. No. 5½ Top Bookform Splittings (2½ Sq. inch to less than 3 Sq. inch)

Russian Grade 15 Top Bookform Splittings (15 Sq. cm. to less than 20 Sq. cm.).

Note.—All Bookform Splittings, Specified in entries Nos. 23 and 24 above shall include (1) Ruby Bookform or Bookpacked Splittings, (2) Ruby Clear Bookform or Bookpacked Splittings, (3) Green Bookform or Bookpacked Splittings, and (4) Green Clear Bookform or Bookpacked Splittings.

25. No. 4 Top Loose Splittings dusted or undusted (7½ Sq. inch to 10 Sq. inch)

Russian Grade 50 Top Loose Splittings dusted or undusted (50 Sq. cm. to less than 65 Sq. cm.).

26. No. 5½ Top Loose Splittings dusted or undusted (2½ Sq. inch to less than 3 Sq. inch).

Russian Grade 15 Top Loose Splittings dusted or undusted (15 Sq. cm. to less than 20 Sq. cm.).

27. No. 6 Intermediate or Inter loose Splittings."

Note.—All Loose Splittings, specified in entries Nos. 25, 26 and 27 above shall include (1) Ruby Loose Splittings, (2) Ruby Clear Loose Splittings, (3) Clear Loose Splittings, (4) Green Loose Splittings and (5) Green Clear Loose Splittings.

[No. E(C)O, 1962/AM(61).]

K. SRINIVASAN, Dy. Secy.

